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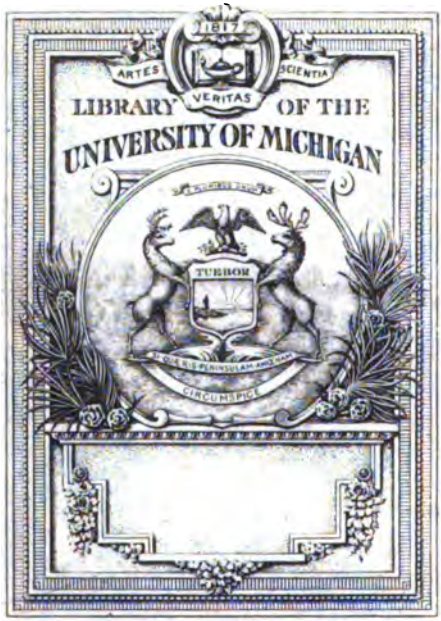
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RESPECTFULLY DEDICATED

TO U. M.,

BOTH HOUSES OF PARLIAMENT.

VOL. XV.

TO BE CONTINUED OCCASIONALLY,

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1819.

DIRECTION TO THE BINDER.

Place the Map opposite page 515.

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NOTICE.

In consequence of the difficulties that will naturally arise from the New Measures *recently passed in the House of Commons, relative to the publication of small Pamphlets, &c., the Proprietors of the Pamphleteer have been induced to offer their pages to such Members of Parliament and others as may be desirous of printing their opinions or speeches on Political or Literary subjects.*

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SUBSTANCE

OF

THE SPEECH

OF

THE RIGHT HONORABLE

THE CHANCELLOR OF THE EXCHEQUER

ON

FINANCE;

COMPRISING

THE FINANCE RESOLUTIONS FOR THE YEAR 1819.

LONDON:

1819.

SUBSTANCE

OF

THE SPEECH,

&c. &c.

THE House having resolved itself into a Committee on the Reports of the Finance Committee, the CHANCELLOR of the EXCHEQUER rose and observed, that when the financial arrangements of the year were brought before the House, it was usual to enter into some general statement of the situation of the country with respect to its revenue and resources; but that in the present session, of which so great a part had been occupied in most important investigations connected with these subjects, he thought it would be desirable to take a more extended view of them. He had endeavoured in the Finance Resolutions, which on a former night he had introduced, for the purpose of being printed, to lay the subject before them in a short and perspicuous manner, avoiding altogether those technical expressions which might interfere with a clear understanding of the general result. He had avoided any particular reference to the Consolidated Fund and other appropriations of the revenue, as the great and leading question was, whether the public Income, considered in a collected view, was answerable to the Expenditure. The Finance Committee, whose labors the House must highly appreciate, had addressed themselves to the question in the same comprehensive view; and it was on their Reports these Resolutions, which he had the honor to propose, were founded. The first Resolution stated, that since the termination of the war in 1815, Taxes in Great Britain and Ireland, which yielded a revenue of upwards of

18,000,000*l.* annually, have expired, or had been either repealed or reduced. A paper had been since laid on the table, which illustrated the progress of that diminution, and the average on which the calculation was made.[1] The second Resolution stated the amount of the deficiency of the Irish revenue, which, since the consolidation of the two Exchequers, was thrown into the general mass, and became chargeable on the United Kingdom. And here, he begged not to be understood as conveying the idea that Ireland had not, in proportion to her means, contributed fairly to the wants of the country. But it was impossible, at the period of the Union, when the arrangement of proportion was made, for any man to have foreseen fourteen years of unremitting war. Indeed, to have contemplated such an amount of expenditure as the circumstances of that war had called for, would have appalled the strongest and most sanguine mind: and from the peculiar situation in which Ireland was placed, arising from its disordered state in the years of 1797 and 98, the imposition of war taxes was found impossible. The consequences of which were, that while Great Britain raised its supplies within the year, Ireland was compelled to meet its extraordinary expenditure by loans. So that from the period of the Union to the consolidation of the Exchequers, while the debt of the former increased at the rate of from 4 to 7, the debt of Ireland increased nearly eight fold, or to speak more correctly, in the proportion of 15 to 92. The third Resolution stated the amount of the supplies to be voted for the service of the present year. The fourth Resolution stated, that the existing revenue, applicable to the supplies, cannot be estimated at more than 7,000,000, leaving the sum of 13,500,000 to be raised by loan or other extraordinary resource. By the fifth Resolution it would appear, that the Sinking Fund for the present year might be estimated at 15,500,000*l.*; exceeding the sum necessary to be raised for the service of the year by about 2,000,000*l.* only. The sixth Resolution stated the necessity of providing a clear Sinking Fund adequate to support the public credit, and to afford future relief from a part of the public burdens of the country. He

[1] Estimate of the total amount of Taxes repealed, expired, or reduced, since the termination of the War, upon an average of the last two years of their collection.

Property Tax,	. . . . .	£.14,267,956
Malt Duty . .	England and Ireland . . .	2,912,571
Customs, . .	Exports; Goods coastwise; Tonnage	1,105,675
Assessed Taxes, .	Husbandry Horses . . .	268,000
——	Windows, &c. Ireland . . .	235,000
		£.18,789,202

Whitehall Treasury Chambers,
7th June, 1819.

C. ARBUTHNOT.

would not then discuss the grounds on which he had opposed the immediate repeal of the Property Tax. He had sincerely hoped that when repealed, it would have afforded the country the fullest relief possible; but he had been of opinion (and he thought the event had confirmed it) that in the first instance the country was to look for relief from the renovation of public industry and the restoration of public credit. To effect those important objects it was indispensably necessary to provide for a gradual reduction of the national debt, and therefore it was impossible to state that the revenue of the country was placed on a proper footing, until it afforded a considerable surplus beyond its expenditure. The object then at present was, to place the public revenue on that footing on which it now would have stood, had the proposed continuance of the Income Tax for two years on its limited and modified plan, been carried into effect by Parliament in the year 1815. The consequence of its continuance for two years would now have been, that while 18 millions of taxation would have been taken off the country at present, we should have avoided the difficulties that now presented themselves in repaying to the Bank the 10,000,000*l.*, proposed by the secret Committee of the two houses of Parliament, as under that arrangement that new debt would never have arisen. And it was gratifying to reflect, that though the country was by peculiar circumstances placed in difficulty, still that her character was undiminished, and difficulties which were only of a temporary nature would soon come to an end:—*(Hear, hear!)*—Parliament having deemed it expedient to allow the Bank two years to get it in possession of means to pay in specie; it was to be recollected, that this national establishment had acted very liberally in 1816, by giving loans to relieve the trading and agricultural classes, and for the same purposes Parliament had granted a sum to be issued in Exchequer Bills, amounting to 1,500,000*l.* The Legislature was now called on to fix a more permanent system for the country, and to ascertain the real amount of the resources applicable to the relief of its burden. *(Hear.)* He would now proceed to state the amount of the income and expenditure of the country, both in the present and in several antecedent years. The Reports of the Select Committee on Finance, presented in the present Session, contained a comparison of the revenue and expenditure of the last three years, as exhibited in the fourth and eleventh Reports of the Committee of the last and the antecedent Session, and an estimate of the probable revenue and expenditure of the present year. It would be found in those Reports that in the first year to which they referred a very considerable deficiency existed in the revenue, as compared with the expenditure. The expenditure for the year ending the 5th January, 1817, was 54,200,000*l.* while the income amounted only

to 51,700,000*l.*, leaving a deficiency of 2,500,000*l.* This deficiency was made good by the arrears of the war taxes, and by other monies no longer applicable in that way. The next year, viz. that ending the 5th of January, 1818, the improving prosperity of the country was evinced by an augmentation of the revenue—the expenditure being 52,956,000*l.* and the revenue 52,302,000*l.*, leaving a deficiency of only 654,000*l.*—In the following year it appeared that the deficiency was changed into a surplus; for in the year ending the 5th January, 1819, the income was 54,053,937*l.*, while the expenditure was only 52,370,152*l.*, exhibiting a surplus of 1,683,785*l.* The estimates for the current year might, according to the Report of the Finance Committee, be estimated thus:—the Income at 54,000,000*l.*; the expenditure, 52,018,800*l.*, affording a surplus of 1,981,200*l.* The question for the Committee now to consider therefore, was how Parliament with so small a surplus, could perform its duty to the public creditor, by holding out any prospect of an eventual redemption of the public debt. It was evident, not only that with so small a surplus that could not be effected, but also that the country must necessarily be placed in a situation of considerable difficulty and embarrassment, if any pressing call for exertion should suddenly arise. The first consideration however was, what was due to the public creditor on this subject. In 1792, on the proposition of Mr. Pitt, a Sinking Fund of 1 per cent. had been directed to be applied to the reduction of the debt on every loan to be in future contracted for by Government. It was impossible that at that period Mr. Pitt could have had in his contemplation the great drain which that would occasion on the country, in consequence of the number and extent of the loans subsequently raised. In his (the Chancellor of the Exchequer's) opinion, a real and effective surplus of at least five millions actually operating as a Sinking Fund, was necessary, and he thought that that sum would be sufficient to improve public credit in a way that would discharge the obligation due to the public creditor. The country had as yet had no means of ascertaining what would be the operation of a really effective surplus of five millions. If the effect of a single million as originally proposed by Mr. Pitt had been proved by experience to be so advantageous, that of five millions, when actually operating, must be considerably more so. Still he thought it would be highly desirable, whenever the circumstances of the country would permit it, and as an additional security to the public creditor, to carry up the Sinking Fund from 5 millions to 8 millions, which would make it somewhat more than 1 per cent. on the actual debt. When the great increase in the value of funded property that took place after the year 1815 was considered, he thought there was every reason to believe, that, under the operation of such

a Sinking Fund, a very rapid improvement would be experienced in the value of that property. He now came to the last of his resolutions—namely, that with a view to the attainment of the important object which he had just described, it was expedient to increase the income of the country by the imposition of taxes to the amount of 3,000,000*l.* per annum. Although he should defer any minute statement on this subject until Wednesday, in the Committee of Ways and Means, he would sketch the general outline of the plan of taxation which he intended to propose, as he thought the House could not be expected to give its sanction to a general proposition for an increase of taxes without having the means of judging of their practicability and expediency. He was however very ready to admit, that there might be Honorable Gentlemen, who, approving of that general outline, might nevertheless be disposed to question the expediency of some of the details, when those details came to be submitted to their consideration. To this he could have no objection. All that he thought essential on the present occasion was, that Parliament should take such a view of the subject at large, as should show their determination to make a great effort to place the finances of the country on a stable foundation. Whether this was to be done by one tax or by another, appeared to him to be a matter of comparative unimportance, although he allowed that care should be taken in the selection of such imposts as might be least injurious to the country. The course which in his mind Parliament ought to take was, first to evince a determination to make a great effort by agreeing to the Resolution, that it would be expedient to add three millions to the income of the country by taxation; and then to inquire in what manner the burden could be imposed so as to be attended with the least possible inconvenience to the various classes of the community. He would now, however, enumerate the articles on which it was his intention to propose, in the Committee of Ways and Means, that the contemplated addition to the revenue should be raised. In the first place, the Committee already knew that there had at various periods been a consolidation of the customs, and that a measure of that kind had been proposed last year, but had been postponed for the purpose of more mature consideration of its details. It was his intention to propose a variety of little alterations in that consolidation; but the only one to which he thought it necessary particularly to call the attention of the House on account of its importance, was an increase of duty from a penny to sixpence a pound on Foreign Wool. This, whilst it would be no great burden to the manufacturer, would be some protection to the growers at home: the product of this tax he would estimate at between 250,000*l.* and 300,000*l.*. There were other small duties to

be added to this, which he would take at about 200,000*l.* more; and this was all that he meant to suggest respecting the Customs.—The other articles on which it was his intention to propose an increase of duty, came under the head of Excise. Of these the most prominent was Malt. (*Hear.*) It was not at all his intention to propose the renewal of the war duty; although he might be allowed to observe by the way, that the reasons which had been so strongly urged by the Gentlemen on the other side, in favor of the repeal of the war duty on Malt, had proved wholly without foundation. The first of these reasons was, that agriculture would be benefited; the second, that the revenue would be more easily collected, and would perhaps be increased, in consequence of the greater consumption; the third, that the price of beer to the poor would be diminished. He was sorry to say that in every one of those respects the repeal had entirely failed, for that no material advantage had been derived by the agricultural interest from the repeal; nor had the consumption been increased. In the last year of the existence of the war duty on Malt, the amount of Malt on which duty had been paid, was 26,200,000 bushels. In the succeeding year, it fell to 17,000,000 bushels; a circumstance which he acknowledged to be in a great measure attributable to the badness of the season. But in the last year, the amount rose only to 22,000,000 bushels, being a smaller quantity than when the war duty was in existence. Instead, therefore, of any improvement in the revenue having taken place from the repeal of the duty, the revenue had materially suffered. Nor was the third reason assigned for the repeal of the duty, namely, that it would give the poor the advantage of having their beer at a more moderate rate, proved by experience to be better founded than the others. The price of beer certainly fell for a short time after the repeal of the duty; but then it again rose; and it was at the present moment as high as it was at the highest periods both of the duty and of the materials. He thought he should be able to prove that the additional duty which he meant to propose, namely, half the existing duty, or one shilling and two-pence a bushel, making the whole duty three shillings and sixpence a bushel, not only would not call on the brewers to raise the price of beer, but that under its operation, they would still be enabled to lower the price to the public. (*Hear! and a laugh!*) He requested that those Honorable Gentlemen who appeared to be entertained by this declaration, would turn their attention to the Report made last year by the Committee on the high price of beer, a report which contained a great deal of very valuable information on the subject, particularly in the evidence given by a Gentleman of the highest respectability, and whose means of knowledge were necessarily extensive (he meant Mr. Barclay), with respect to the compara-

tive price of malt and hops at various periods. By that Report, it appeared that the price of malt last year was eighty-one shillings a quarter, and of hops from twenty-four to twenty-five pounds a cwt. The price of malt at present was sixty-three shillings a quarter, and of hops eight pounds ten shillings a cwt. The aggregate amount of the expense of the brewer in materials and manufacture last year, according to the Report to which he alluded, was 8l. 16s. 8d. the quarter of malt. At the present period, the expense, according to the reduced rate of the materials, could be only 6l. 17s. 4d. the quarter of malt. The difference was, therefore, 1l. 19s. 4d. of which he proposed that only 9s. 4d. should be taken by the additional duty, for the public service, still leaving to the brewer a profit of 1l. 10s. on the quarter of malt, greater than that which he made last year. *(Hear, hear!)* The produce of this additional duty he estimated at 1,400,000l.

The remaining articles on which he intended to propose an increase of duty were also under the head of Excise, although they were principally articles on which a double duty was now collected in the shape of Customs as well as Excise. He was desirous to try the experiment how far it would be better to collect the duties under one instead of under two branches of the revenue, as it would be a great relief to the merchant to be exempted from the trouble and charge arising out of the double accounts and payments now required. The articles to which he was about to allude were subject to considerable adulteration, and various frauds respecting them were practised to a great extent. Now it was well known that that branch of the revenue, the Customs, had no means of detecting adulteration or other frauds, after the articles which were the subject of such impositions were once out of its reach. The Excise, on the contrary, possessed the means of detecting those malpractices, and had in fact brought to justice many of the perpetrators. —It was therefore desirable that the additional duties should be under the management of the Excise rather than of the Customs. The articles on which he meant to propose their imposition, were Tobacco, Coffee, Tea, British Spirits, and Pepper.—The additional duty which it was his intention to propose on Tobacco, he estimated would produce near 500,000l.; and he was persuaded, that even with that additional duty, the venders of tobacco might sell it to the public for some time at a cheaper rate than they had done not long since. *(A laugh!)* By the proposed duty on coffee, he hoped to raise about 130,000l.; by that on pepper, 30,000l. With respect to tea, he meant to propose raising the duty now existing of 96 per cent. to 100.

One more article remained—one indeed upon which the tax had been considerable, and of which the duties were as fairly collect-

ed as those of any other commodity in the realm—he meant spirits distilled in England. In Ireland, the evasion of the duties on this article had made necessary the utmost exertions for the suppression of illicit distillation; but in this country, where the business was confined to a few men of opulence, the additional burthen would hardly be felt. It was calculated that this tax would produce 500,000l. The total aggregate of all his estimates was 3,190,000l.; and allowing for accidental deficiencies and other circumstances, he flattered himself he might calculate on an increase to the revenue of a clear three millions. He would not enlarge on this part of the subject at the present moment, leaving the details until the House should go into a Committee of Ways and Means, and would only recapitulate the various items, viz.:

Consolidation of the Customs, including the 200,000l. of increased duty on Foreign Wool	£500,000
Malt at 1½ per bushel	1,400,000
British Spirits, about	500,000
Tobacco	500,000
Coffee and Cocoa	130,000
Tea	130,000
Pepper	30,000

Such was the general outline of the propositions which it was his intention to make to the Committee of Ways and Means on Wednesday next. For the present he would content himself with pressing upon the attention of the Committee the indispensable necessity of making a provision, either in the way he recommended or in some other way, for effecting such an augmentation of the revenue as might maintain public credit and acquit public honor. (*Hear, hear!*) For the three last years he had submitted to Parliament plans of finance, temporary in their character. The time had at length arrived when, looking forward with hope to the restoration of the ancient currency of the country, it became Parliament to place our finance on a permanent peace establishment. On every ground it was called upon to do this. In the first place, in consequence of the extensive investigation which had recently taken place, all the weak as well as all the strong points of the condition of the Empire, were known abroad and at home. (*Hear, hear!*) Nor could much more be expected in the form of retrenchment. By the return of the Army of Observation from France, and the great reduction which had been made in our military force, we had arrived at that which might fairly be considered as the permanent peace establishment. It was not likely that any further material reduction on that head could be effected. On the contrary, it was probable that some further expense would creep into that depart-

ment of the public service. It was impossible to allow the militia to remain long without being placed in a state of efficiency, and there would be other and minor branches of expense that must be calculated upon as indispensable.

Unquestionably a gradual diminution of outgoings would be occasioned by the falling in from time to time of material parts of the national expenditure; but the operation of these would be so slow, that it was difficult to calculate the probable period at which they would put the country in possession of a surplus revenue of five millions—the least which in his opinion it ought to possess with reference to the objects which he had already described. By the addition of three millions of taxes, that purpose would be at once accomplished. It was to be considered than ten millions and a half of the proposed loan of twenty-four millions would be employed—five millions in a payment to the Bank, and five millions and a half in the payment of Exchequer Bills—in the liquidation of unfunded debt; so that it was only the interest of the balance for which provision need be made. Although it was not to be expected that the new taxes, if adopted, would be in full operation during the present year, neither would that be the case with the charges on the loan. He therefore trusted that a considerable diminution of the debt might take place next year, and that in every succeeding year that diminution would increase in amount. There was one objection which might perhaps be made to the probability of this expectation. It might be supposed that a great defalcation would take place in the revenue, in consequence of the stagnation of manufactures and trade which had occurred in some parts of the country. He was happy to say, however, that hitherto no such effect was to any great degree observable; and he hoped that the symptoms of improving commerce which had recently manifested themselves, would put an end to all apprehension on that score. The Revenue of the quarter ending the 5th of April last was 230,000l. greater in amount than that of the corresponding quarter of the last year. —Since that period a diminution had certainly taken place, but it was by no means of an alarming nature. The total amount of the Revenue for that period of the current quarter which had elapsed on the 4th of June, was short of the amount of the corresponding period of last year by 107,000l.; being about two per cent. on the whole amount of the quarter's Revenue—or five millions. He had, however, one remark to make, which would account for a portion of this deficiency, viz. that the corresponding quarter of the last year comprehended one weekly payment of the Excise more than the quarter of this year. Some of the branches of the Revenue had increased although others had decreased. In the customs of this quarter there was an increase of 84,000l.;

in the Post Office an increase of 43,000l.; in the incidental payments of 14,000l.: but the revenue of the stamp office had decreased by 33,000l., which, with other deficiencies, made up, as he said before, a decrease in the whole revenue of 107,000l. The aggregate amount of augmentations having been 141,000l. and the aggregate amount of diminutions 248,000l.; he trusted therefore, that it would not be too sanguine to expect that the income of the present year would be nearly equal to the last. At the same time he should not, perhaps, be justified in expecting any material increase in the produce of the Revenue, most especially when the means necessary to be adopted in the way of preparation for the resumption of cash payments by the Bank of England were taken into consideration. He was inclined, however, to think, that the alarm which had already been excited on that subject was greater than the circumstances warranted; that no such reduction or stagnation of commerce would take place, as that apprehended by some, except such as might be merely temporary; and that in the end, the alarm to which he had alluded, would appear to have been much exaggerated, if not altogether unfounded. Having thus stated the general nature of the propositions, which it was his intention to propose, he might sit down with merely expressing his readiness to enter into any explanations that might be required of him. But before he did so, he must observe, that his Majesty's Government were fully sensible of the great responsibility which they incurred in proposing an increase of taxation in time of peace, and of the serious obligation which, if possible, it more than ever imposed on them of managing with the utmost attention to economy the resources of the country. If, therefore, the Resolutions already before the Committee should be adopted, he was ready to propose a further Resolution, calling on the Executive Government to exercise the most rigid economy in the administration of the public revenue. *(A laugh, and hear!)* He trusted that whatever might be the sentiments of the Honorable Gentlemen opposite, the events of the present Session had sufficiently shown the disposition of Government on that subject. There was one topic deserving of explanation, on which he would say only a few words—he meant the collection of the revenue. *(Hear!)* At the present advanced period of the Session no effectual measure could be adopted by Parliament to amend the system of that collection; and it appeared to him therefore that the best course that could be pursued was an expression of the opinion of Parliament that at least such an investigation should be entered into by the Executive Government as would pave the way for any measure which Parliament in its wisdom might think fit at some subsequent period to adopt. The Resolution, there-

fore, which in the event of the adoption by the Committee of the Resolutions already before them, he should propose in addition, was as follows, viz.—" That with a view to accelerate the arrival of that period at which relief may be afforded to the country from a part of its burdens, this house confidently expects that a vigilant superintendence shall be exercised over the expenditure of the State in all its several departments; and that a minute investigation shall be instituted into the mode and expense of management and collection in the several branches of the Revenue, in order that every reduction may be made therein, which can be effected without detriment to the public interest." In the Customs, considerable benefit had long been derived from such an investigation; and he hoped that the advantage might be extended to the other branches of the Revenue. The Right Honorable Gentleman concluded by moving his first Resolution.

RESOLUTIONS.

I.—THAT since the termination of the War in 1815, the property Tax in Great Britain, and other Taxes in Great Britain and Ireland, which yielded a Revenue of upwards of 18,000,000l. per annum, have expired, or been repealed, or reduced.

II.—THAT by an Act passed in the 56 Geo. 3, cap. 98, the Revenues of Great Britain and Ireland were consolidated from the 5th of January 1817;—and

That in the year preceding the said consolidation, the net separate Revenue of Ireland was 4,561,353l.; and the charge of the Funded and Unfunded Debt of Ireland was 6,446,825l., including therein the sum of 2,438,124l., as the Sinking Fund applicable to the reduction of the Debt; and which Charge exceeded the whole net Revenue of Ireland by the sum of 1,885,472l., without affording any provision for the Civil List and other permanent Charges, or for the proportion of supplies to be defrayed by that part of the United Kingdom; and

That no provision has been made by Parliament to supply this Deficiency.

III.—THAT the supplies to be voted for the present year by Parliament, may be stated at 20,500,000l.

IV.—THAT the existing Revenue applicable to the Supplies cannot be estimated at more than 7,000,000l.; leaving the sum of 13,500,000l. to be raised by Loan, or other extraordinary resource.

V.—THAT the Sinking Fund applicable to the reduction of the National Debt, in the present year, may be estimated at about

15,500,000l.; exceeding the above Sum necessary to be raised for the service of the year, by about 2,000,000 only.

VI.—THAT to provide for the exigencies of the Public Service, to make such progressive Reduction of the National Debt, as may adequately support Public Credit, and to afford to the Country a prospect of future relief from a part of its present burthens, it is absolutely necessary that there should be a clear Surplus of the Income of the Country beyond the Expenditure, of not less than 5,000,000l.;—and

That with a view to the attainment of this important object, it is expedient, now to increase the Income of the Country, by the imposition of Taxes, to the amount of 3,000,000l. per annum.

VII.—That with a view, &c. vide preceding page.

SUBSTANCE

OF

THE SPEECH

OF

THE RIGHT HONORABLE

THE CHANCELLOR OF THE EXCHEQUER.

ON

THE BUDGET

OF THE YEAR 1819.

LONDON:

1819.

SUBSTANCE

OF

THE SPEECH,

&c. &c.

THE CHANCELLOR of the EXCHEQUER then rose. As the House had already entered at large into the consideration of the general situation of the country with respect to its Finances, and had sanctioned, by the resolutions to which it had agreed, the general principles on which he intended to ground the financial operations of the year, it only remained for him to enter into the details of the plans and arrangements proposed to carry those operations into effect. The House had also appeared to approve, (though it had not yet confirmed by a distinct resolution,) the measures he had proposed of rendering the Sinking Fund applicable to the public service, to a certain extent, by means of a loan contracted with the commissioners for the reduction of the national debt, under the sanction of the provision in the Sinking Fund act, commonly called Mr. Fox's clause, and of making such provision as would prevent, in future years, the necessity of continuing the practice of loans.—He should now explain how those arrangements were to be effected in the present year. In doing this, he should follow the usual course. He should recapitulate on one side the supplies granted for the present year, and on the other the Ways and Means by which they were to be met. He should then take a view of the new taxes, and point out the general measures to be founded on the resolutions which the House had al-

ready adopted, in order to show how we might look in future to a settlement which would render the imposition of new taxes and the raising of loans (with the exception of a small loan for the next year if it should be required for the purpose of the further repayment intended to be made to the Bank of England) unnecessary. So much information was contained in the Report of the Finance Committee, and so much more had been elicited by the late discussions in the House, that in recapitulating the supplies, he should have little more to do than to refer to the Report of that Committee, and he should afterwards point out the corresponding Ways and Means. The army Extraordinaries still remained to be granted; but, adding them to the other branches which had already been obtained, the total for the Military Service of the year, would be, according to the statement of the Finance Committee, 8,900,000*l.* The whole Supplies for the Navy were granted; they amounted to 6,436,000*l.* Those for the Ordnance were in the same situation, and consisted of 1,191,000*l.* Under the head of Miscellaneous Services, many items remained for the future consideration of the House, particularly the usual Grants for the poorer classes of the Clergy, both in England and Scotland; but adding their amount to what had been voted, the whole might be expected to come to about 1,950,000*l.* As some Supplies still remained to be granted, it was not his intention at present to complete the Ways and Means. But the application of twelve millions of the Sinking Fund, as proposed, would much more than cover what was still to be granted. The total amount of the Supplies which he had mentioned was 18,477,000*l.* To this were to be added 1,570,000*l.* for interest on Exchequer Bills, and 430,000*l.* for Sinking Fund on the same, forming a grand total of 20,477,000*l.* To meet these charges the House had already sanctioned the Grant of

The Annual Malt Duty of	£3,000,000
The Temporary Excise Duty	3,500,000

and he should now propose to vote the Loan contracted for this day, amounting to £12,000,000
The Lottery 240,000
and Produce of the Sale of Naval Stores 334,000

It was therefore clear that, with the view of meeting the supplies voted, a loan of 13,500,000*l.* would have been sufficient for the service of the present year. But the measures lately adopted for returning to cash payments had rendered it necessary that 10,000,000*l.* should be repaid to the Bank, of which five millions were to

be provided for within the current year, and he thought a further reduction of unfunded debt necessary to the extent of 5,000,000*l.* To provide for all these expenses, two loans were to be raised. One for twelve millions had already been contracted for by a public competition. The other, to the amount also of twelve millions, he proposed, should be taken out of the Sinking Fund. This would be, however, for the future consideration of Parliament, and he should now only state, that in order to affect the Funds as little as possible, he intended to divide the twelve millions into twelve monthly payments, leaving the monthly sum to be applied by the Commissioners in the purchase of Stock as nearly equal as circumstances would admit. The sum intended to be taken would be one million a month; but in the January and July quarters only 900,000*l.* should be called for monthly; and in the April and Oct. quarters, in which the amount of the Sinking Fund was larger, 1,100,000*l.* This appropriation of part of the surplus of the Sinking Fund, would still leave about 310,000*l.* a month applicable to the reduction of the national debt. The whole amount of supplies thus raised would be 31,074,000*l.*, leaving a surplus of about 10,600,000*l.* for the diminution of the unfunded debt—5,000,000*l.* would be repaid to the Bank, and 5,600,000*l.* to individual holders of Exchequer Bills. He had stated that the loan had already been contracted for. The terms were highly satisfactory, and he was ready to admit had been considerably lower than the other petition which had prevailed. The Loan was raised by a subscription to the amount of 12 millions, for every 100*l.* of which 600*l.* in Consols were to be given, the interest of which was not retrospective, but would only commence from July last, so that there would be no concealed bonus in the shape of interest, and 62*l.* 18*s.* 6*d.* in the three per cent. Reduced. He trusted that these terms proved in the most satisfactory manner a spirit of surviving confidence in the resources of the country. The other biddings for the Loan were as follows:—Messrs. Reid, Irving, and Co. 65*l.* 10*s.*; Messrs. Ricardo and Co. 65*l.* 2*s.* 6*d.* From this it would be seen, that the list which had obtained the preference outweighed very far those with which it had been placed in competition, in the advantages which it offered to the country, as giving the smallest portion of stock, it created the smallest charge both for capital and interest to the country. The Loan raised that morning, and the Loan taken from the Sinking Fund, he would regard as a joint loan in speaking of the stock created by the two operations. Considering them as a joint loan, the capital stock created for the 24,000,000*l.* raised, was 34,364,000*l.* in the 3 per cent. Stock, taken partly in the reduced, and partly in the Consols. The interest on it amounted to 1,030,120*l.*; the Sinking

Fund to 402,694*l.* It would here be observed, that he had thought it right to carry strictly into effect the provision made in the Act of 1813 for forming an additional Sinking Fund, whenever the amount of the loan raised should exceed the Sinking Fund previously established. The observance of this provision might have been dispensed with where a loan was raised for the purpose of diminishing the Unfunded Debt. He had, however, felt that where a loan was raised in time of peace, the operation of the Sinking Fund ought rather to be strengthened than diminished, and had complied accordingly with the provisions of the Act of 1813. To the sums he had mentioned, the charge for management, 10,291*l.* was to be added. The total charge of the loan then stood as follows:—

Interest	21,029,120
Sinking Fund	402,694
Management	10,291
	21,442,005

With respect to the charge for management, he wished to state, that he considered the Bank to have no claim for management on that part of the Loan which was taken from the Sinking Fund, but only on the 12,000,000*l.* which had been made in the market. He had shewn that the total charge of the Loan was 1,442,000*l.* The rate of interest to the subscribers was 4*l.* 4*s.* 9*d.* per cent. The calculation being, that the average price of the 3 per cent. Stock was about 69 and a half. The total rate of about 10,600,000*l.* paid by the public on the Loan, the Sinking Fund included, was 6*l.* 0*s.* 0*d.* per cent. He thought he had a right to congratulate the House on a Loan to such an amount having been obtained by such terms. He trusted they would not prove unfavorable to those with whom they had been negociated, though they could hardly be justified as prudent on the part of those who had agreed to them with reference to the present price of stock; there was every reason to hope that they would ultimately prove beneficial to them. Before proceeding to the other parts of the subject, it might be said that he should here advert to the measures which he conceived would be necessary in the next year. As far as it was possible for him to judge at present, he should think that the utmost it would be necessary to raise next year would not exceed 11,000,000*l.* for the different branches of the public service. This sum might be required in addition to that of 5,000,000*l.* to complete the payment to be made to the Bank. If then 12,000,000*l.* should be taken from the sinking Fund, as had been done in the present year, but

4,000,000*l.* would remain to be borrowed in the market. So moderate a Loan would produce little or no effect on the funds (if it should be necessary to raise a loan at all); and that, at all events, he thought he might be allowed to hope, from the present aspect of Europe, would be the last time he should have occasion to resort to the money market in time of peace. The next branch of the subject to which he would call the attention of the House was the consideration of the mode by which he proposed to realise the pledge given by Parliament to raise 3,000,000*l.* by new taxes, and the object to which he purposed to apply that sum. But before proceeding on this head, being on the subject of the public debt, he wished to state the amount of the unfunded debt, and to show how it would remain after the supplies of the present year were wound up. The amount of the unfunded debt was at present about 49,000,000*l.* The amount of Exchequer Bills being 44,600,000*l.* and the Irish Treasury Bills, payable in July next, amounting to 4,400,000*l.* These he proposed to replace by 20,000,000*l.* in Exchequer Bills, which had already been voted by Parliament; by a vote of 16,000,000*l.* which he should move that evening, and by an issue of Irish treasury Bills, to the amount of 2,500,000*l.* The total amount of unfunded debt thus created would be 38,500,000*l.* This, compared with its present amount of 49,000,000*l.* would give a diminution of 10,500,000*l.* Now, as he had already stated, it was his intention to propose that the sum of 3,000,000*l.* should be raised by new taxes, to strengthen the Consolidated Fund, to enable it to support the charge of the loan raised in the last and in the present year, to which, so reinforced, it would be about equal. The amount of the charge of the last loan was about £1,600,000

That of the present loan 1,442,000

The total being £3,042,000

being an excess of 42,000*l.* above the sum proposed to be raised. The sum to be raised it might be proper to divide between the two forms; but as this was merely a matter of account, a little might be given to one side or the other without inconvenience, though it would be well to allot to them as nearly as possible the same proportion to the respective charge of each. He would now proceed to the particular propositions which he had announced it to be his intention to bring forward. With respect to the consolidation of the Customs, it was impossible to go into all the minute variations that were intended—a schedule of these had already been produced, and was in the printer's hands. The only one of

material importance was that to which he had already called the attention of the House—an increase of duty on Foreign Wool. The others were all of a very minute description, and the produce of the whole he took at 500,000*l.* per annum. Out of such a variety of articles as were comprehended under this head, some might produce less—some more than he calculated upon; but he had no reason to expect that the result upon the whole would be materially different from that which he had previously anticipated. The whole of the minute particulars would shortly be brought under the view of every Member, by a separate schedule, which he hoped would very soon be in their hands. He had mentioned, on a former occasion, that a considerable proportion of the sum proposed to be raised was expected to arise from a transfer of part of the business now jointly carried on between the Boards of Custom and Excise. It was intended to transfer to the Excise certain duties which were before in part collected by the Customs. These were the duties on tobacco, tea, pepper, coffee, and cocoa-nuts. On the last-mentioned article a higher rate of duty was at present paid than on coffee. For many years the duties on the two articles had been the same. But when it became an object to bring coffee into more general use, a difference was made in its favor; but now it was proposed that coffee and the cocoa-nut or chocolate nut should, with reference to taxation, be placed on the same footing. He then proceeded to notice severally the articles which came under the head—tobacco, coffee, tea and pepper. On tobacco the present duties varied very materially. The Excise duty on American tobacco was 9*d.* per lb. on Spanish and Portuguese tobacco 2*s.* per lb. on East India tobacco 1*l.* To these he added the Custom duties, and the augmentation now proposed on these would make the total duty on plantation tobaccos 4*s.*; and on foreign tobaccos and all snuffs, 6*s.* pr. lb. On plantation coffee he proposed to increase the duty from 7½*d.* to 1*s.* On East India coffee from 11*d.* to 1*s.* 6*d.*; and on foreign coffee from 2*s.* 4½*d.* to 2*s.* and 6*d.* per lb. The duty on pepper he would raise from 1*l.* and 10*d.* to 2*s.* 6*d.* per lb. The advance he had to propose on tea he had before stated, which went to raise the existing duty from 96 to 100 per cent. On tobacco he asked for an increase of revenue of 500,000*l.*; on tea of 130,000*l.*; on coffee and cocoa, 130,000*l.*; and on pepper 90,000*l.* The motive for transferring the duties he had mentioned from the Customs to the Excise was this, that it went to effect a saving of nearly all the officers now employed in that branch of the public service, who had the charge and management of the Custom duties on these articles. This arrangement would also afford considerable accommodation to merchants. Nothing was more complained of at present than the multiplied regulations which they were forced to observe, and

the necessity they were under of making applications on the same business at various places and at different periods of the day. But the principal advantage of this arrangement was this, that it would prevent the adulteration of the articles which it comprehended. Some of these were sold in very small quantities, and often ground, so that it was not easy to determine whether or not they were genuine. By the transfer of these from the Customs to the Excise, a watch would be set over them to prevent their adulteration. On this account, as well as on others, the transfer was obviously desirable. Two other subjects were yet to be brought under the consideration of the Committee. The first of these was the increased duty on Malt, which he calculated would produce 1,400,000*l.*; including the sum which it would raise in Ireland, to which he proposed all the new duties should extend, with the exception of the tax on home distilled spirits. The sum which he had mentioned he calculated would be raised by a duty of 1*s.* 2*d.* per bushel on malt, or 9*s.* 4*d.* per quarter. When he first opened this subject to the House, he had certainly entered into some details, to show that the tax which he had suggested might be borne, without an increase of the price of beer. Every inquiry he had since been able to make, had only served to strengthen the impression which he had then on his mind. For information on this subject he would refer the House to the Report of the Committee on breweries, which sat in last Session, which would be found to contain much valuable matter, especially that which had been furnished to it by a most respectable Gentleman, then a member of that House. With that Gentleman, he meant Mr. Barclay, he had recently had a communication, and he would now state to the House the view he took of this subject. Mr. Barclay had stated the real price of malt in the last year to have been 4*s.* below the prices which had been quoted. According to him, though 81*s.* 4*d.* had been paid for a finer sort of malt, the general purchases had been made at 77*s.* 4*d.* Hops had then sold for 84*l.* or 85*l.* per cwt. Much of the barley grown in the last year was unfit for malting, and consequently the price of malt was higher now than it was then. The average price in the present year was 90*s.* But hops had fallen to 10*l.* per cwt. The result then was as follows:—

Malt was in 1818 per quarter	£3	17	0
In 1819	4	10	0
Hops were now so reduced in price, that the expense of brewing a quarter of malt for porter, which was last year	5	18	0
Was in the present year	5	8	4
Deducting the price of the present year, there remained in favor of the brewer	0	10	4

This being the case, there being a balance in favor of the brewer of 10s. 4*d.* on the price of brewing a quarter of malt, Mr. Barclay was of opinion that the duty proposed might be borne without inconvenience; and he was further of opinion, that, if the present season should turn out as favorably as at present there was every reason to hope it would, the public might reasonably look forward, as he (the Chancellor of the Exchequer) had stated on a former evening, to a diminution of its price. (*Hear, hear, hear!*) He hoped, whatever might be the difference between the calculations of various persons, that the House would find the general result the same, and be satisfied that his position that the present duty not only did not go to justify a rise in the price of porter, but was compatible with a diminution of price, after a time, was fully borne out. The only remaining article to which he had to call the attention of the Committee was the duty on home distilled spirits. It was not his intention that this measure should extend to Scotland or Ireland. The present duty on wash for distilling spirits, which paid 1*s.* 9*d.* on the gallon, he proposed to add 3*d.* to, and charge in future with a duty of 2*s.* The sugar wash, which now paid 2*s.* 6*d.* per gallon, he would render liable to a duty of 3*s.* 3*d.* The duty on spirits he calculated would produce an increase to the Revenue of 500,000*l.* If the effect of this tax should be to diminish the consumption of spirits and increase the consumption of the wholesome produce of the brewery, no man would more rejoice at the effect of the measure than he should; and with this feeling he had thought it right that a tax on spirits should accompany the new duty on malt, to protect both the health and the morals of the people.—Those concerned in the spirit trade had however urged, that this measure would give the traders in foreign spirits an advantage over them if some duty were not imposed on spirits imported.—On this subject he had come to no decision, but he might hereafter find it necessary to come forward with some additional measure to protect their interests from the injury they might sustain, if undue advantages were conceded to the foreign article. Having gone through the different subjects he had wished to press upon the attention of the Committee, he begged to say, if on any point he had not been distinctly understood, he should be happy to afford any explanation that might be required.

Mr. Grenfell upon having observed across the table, that he had not quite understood what the Right. Hon. Gentleman had said regarding the 11,000,000*l.*, the Chancellor of the Exchequer further stated he was happy that his attention had been recalled to this point, especially as it was connected with what he was about to have stated. He had said that he hoped the present would be the last time he or his successors in office should have to discharge

the duty of calling for a loan and for additional taxes. With reference to the 11,000,000*l.*, he had observed that 13 millions were required to balance the expenditure of the present year with the income, but that he hoped in the next year, partly from reductions of charge, principally on the unfunded debt, and other causes, the sum to be borrowed would not exceed 11 millions. Supposing therefore the House should think it safe next year, to resort to the Sinking Fund for a loan of 12 millions, four millions in addition from private sources would be all that would be required to complete the payment of the remaining 8,000,000*l.* to the Bank of England as far as Ministers were able at present to see, 4,000,000*l.* of loan or of Exchequer Bills beyond the sums which might safely and without inconvenience be borrowed from the Sinking Fund, would be the utmost that would be necessary to complete the supplies for the next or for any future year.—(*Hear.*)—This effort to avert the repetition of the evils of loans and taxes hereafter having been made, Hon. Members would return to their homes with the satisfaction of having performed their duty; and he trusted that the exertions would be rewarded by the approbation of their constituents, even though some momentary feeling of distaste might prevail as to the particular taxes. Without trespassing further on the time of the House, he proposed his first resolution, which was "that towards the supplies of the present year 12 millions be raised by way of annuity."

No. I.

The following Official Tables are illustrative of the several Items of Account referred to by the Chancellor of the Exchequer in the substance of the foregoing Speech. 1819.

SUPPLIES.

Granted for 1818.		
3,909,603	Army	8,900,000
6,456,809	Navy	6,436,000
1,265,600	Ordnance	1,191,000
1,958,939	Miscellaneous	1,950,000
18,570,951	Total Supplies	18,477,000
2,000,000	Interest on Exchequer Bills	1,570,000
560,000	Sinking Fund on Ditto	430,000
21,130,951		20,477,000
	By reduction of Unfunded Debt	10,597,000
		31,074,000

WAYS AND MEANS.

Granted for 1818.		
3,000,000	Annual Malt	3,000,000
3,500,000	Excise Duties continued	3,500,000
250,000	Lottery	240,000
250,000	Old Stores	334,000
7,000,000		7,074,000
	Loan	12,000,000
	Loan from the Sinking Fund	16,000,000
		31,074,000

No. II. ***CHARGE*** *in respect of the Additions to the Public Funded Debt of the United Kingdom, created for the Service of the Year* 1819 *; calculated on the Principle directed per Act* 53 *Geo. III. Cap.* 35, *Sec.* 5.

		Capital created.	Interest.	Sinking Fund.	Management.	Total.
	Capital and Charge created by 12,000,000*l.* borrowed, and by Loan of 12,000,000 from the Sinking Fund.					
15,666,797	Amount of Sinking Fund at 5th January, 1819, on which a Sinking Fund of one per Cent. is calculated.	22,893,075 : 8 : 6	671,792 : 5 : 1	223,930 : 15 : 0	6,717 : 18 : 5¼	902,440 : 18 : 6¼
8,333,203	Excess beyond the Amount of the Sinking Fund at 5th January, 1819, on which a Sinking Fund of half the Interest is calculated, 80*l.*, 3*l.* per Cent. Consolidated Annuities.	6,666,562 : 8 : 0	199,996 : 17 : 5¼	99,998 : 8 : 8¼	1,999 : 19 : 4¼	301,995 : 5 : 6¼
	62*l.* : 18 : 8 3*l.* per Cent. Reduced Annuities.	5,244,362 : 8 : 6	157,330 : 17 : 5¼	78,665 : 8 : 8	1,573 : 6 : 2¼	237,569 : 12 : 4¼
24,000,000		34,804,000 : 0 : 0	1,029,120 : 0 : 0	402,594 : 12 : 5¼	10,291 : 4 : 0	1,442,005 : 16 : 5¼

The Rate of Interest per Cent. to the Subscribers . . £4 : 5 : 9
The Rate per Cent. paid by the Public, including all Charges . 6 : 0 : 2

THOUGHTS

ON

THE INCREASE OF CRIMES,

THE

EDUCATION OF THE POOR,

AND THE

NATIONAL SCHOOLS;

IN

A Letter

TO SIR JAMES MACKINTOSH.

BY WM. LISLE BOWLES, A. M.

One of his Majesty's Justices of the Peace for the County of Wilts,

AND CHAPLAIN TO HIS ROYAL HIGHNESS THE PRINCE REGENT.

SECOND EDITION.

LONDON:

1819.

ADVERTISEMENT

In what I have said of the immoral tendency of a certain mode of antinomian and un-apostolic preaching, it ought to be observed, that many in the Church are as blameable as those out of it; but none are so pernicious in this respect as the Seceders. For the want of novelty in what is here said respecting the operation of the poor Laws, I trust it will not be thought necessary to make any apology. I am convinced that if the amelioration begins to be visible, it is owing to the accumulated evidence of individual information.

N. B.—The price of labor, and allowance from the parish rates, are stated according to the scale of the district in which I reside: they are higher in other places—in Somersetshire I believe they are lower.

THOUGHTS

ON

THE INCREASE OF CRIMES,

&c. &c.

MY DEAR SIR,

HAVING had occasion to address a friend of yours some time since, on a subject materially connected with the welfare and high moral character of the country, I trust I shall be forgiven, if, once more leaving for a moment my immediate and appropriate avocation, and actuated, as I was then, by no other motive, than regard to truth and humanity, I venture to submit to you some "Thoughts on the Increase of Crimes" in the present day; and, together with this momentous topic, on the "Education of the Poor, and the National Schools."

I have been led to address these Thoughts to you in consequence of the part you have taken, the tempered energies, and the Christian spirit you have displayed, when enforcing the necessity of a revision of our criminal code.

In the letter to Mr. Brougham, I endeavoured to vindicate the more venerable and august establishments of education in this kingdom. My manner and motives have been impugned by those who admit the vindication to have been most triumphant; though I am conscious that I had no other motives of writing then, than I have now.

Previously to entering on the immediate subject of this address, I shall therefore take the opportunity of disclaiming some sentiments which have been attributed to me, by a writer in a widely-

circulated and distinguished literary journal, who has, in other respects, ably and eloquently, discussed the subject of "Abuses of Charity."

Gratified as I must be by the praise of the answer to Mr. Brougham, as far as *arguments* are concerned, I feel myself reluctant to be considered as having been actuated by such base feelings as *adulation* or *fear!* I disclaim a shadow of either feeling. I had, and could have, no right to accuse Mr. Brougham's motives, and the cause itself I think as nationally important, as I believe the spirit that prompted the investigation was benevolent. I admit that I ought not to have spoken of *abuses* as "detected," when they were only to be enquired into, and when all the statements were *ex parte*. But there are great ABUSES in charitable funds to my own knowledge; and without any feelings of *adulation* which are abhorrent from my heart, I would not, with the exception I have made, retract a word, respecting the obligations of the country to that active benevolence which led the way to the enquiry.

Truth, and neither "flattery" nor "fear," induced me to write as I did; nor can I imagine that any dispassionate reader of the "Vindiciæ Wykehamicæ" could think I meant to *flatter* Mr. Brougham, when, speaking of his inquisitorial manner, I compare him, in this respect, with the most obnoxious character in the *Star-chamber* of CHARLES THE FIRST.

Injurious as this manner, and his *ex parte* statements have been to a cause so nationally important, I do not believe that he intended any direct injury to the venerable seats of English education; but the STONE was put into his hand of THOSE WHO DID; and when it is remembered who, and what description of men, were in the constant habit of attending the committee, it might be conceived that they took advantage of his ardent character, to effect that task from which they shrunk themselves.

So much for *flattery*: with respect to the other abject feeling, what should I *fear*? I have no personal interest whatever, and as to a wish or a thought of seeing other establishments sacrificed, as long as Winchester was safe, I have expressly said, in language far from flattery,—"If Mr. Brougham has betrayed ignorance of the very language of the statutes to which he appeals, and I should succeed in vindicating Winchester, I trust [illegible] *similar establishments may lose somewhat of its direction and force.*"

No other establishments, or charter, or endowments, were the objects of my writing. Let those concerned in them defend them as I have done, who have no concern with Winchester, except that which arises from attachment to the place of my education. I hope I have not uttered a sentiment that might imply I wished any endowment to be condemned from *ex parte* statement. I have indeed

spoken of the abuses of Yeovil from the written evidence, but I did so because Yeovil and Winchester had been classed together as *equally* guilty. My meaning certainly was, that according even to those evidence, the case of Yeovil and Winchester ought not to have been mentioned in the same century, for this simple reason, because *one charity* was at least in existence and florishing, and the other *a non-entity*, nor did it, appear what had become of its funds.

Without any professions of extraordinary humanity, most fervently should I rejoice, if in every case, where the poor had been deprived of their just rights, those rights should be restored; and that rapine, or fraud, deeming themselves secure in the possession of spoils unjustly acquired, should be deprived of those spoils, and brought to the bar of public animadversion. But, much as I should rejoice at such restitution on one side, and such justice on the other, I should far more sincerely rejoice, if, when an accusation was brought against any society or any individual, that society or that individual should be proved clear from such charges, as I hope I have proved Winchester to be. So far from wishing any satisfaction from terror, or any other feelings, at the shrine of Wykeham, I can read with the greatest satisfaction, the plain yet forcible vindication of the charities of Croydon, &c.; and I should do the same, if what appears so black against Yeovil, should come out as spotless as the fame of Winchester. I thought it indeed absolutely essential, in vindicating a particular place from the charge of abuses, to shew that my object was entirely remote from the possible imputation of wishing to screen abuses in general.

There is another charge, which I am equally anxious to repel; it is, that I have confined, what it pleases the writer to call my "meaning" to the expression of regret, on account of the omission of *two* highly respectable names, in the list of honorable Commissioners, saying nothing on account of the omission of other highly respectable names, and particularly that of the Chancellor of my own University.

Now, this last circumstance alone is sufficient, I conceive, to justify me; for if there could be found a name entitled most peculiarly to my veneration, it would be that of Lord Grenville, to whom, on account of his high character, I gave my unbiassed support at the University Election for the Chancellor's Chair.

Sir Wm. Scott, one of the members in Parliament for the same University, has received from me the same testimony of public respect. I can add, that among the honorable Commissioners, some are personally known to me, and there are *none*, for whom, as individuals, I do not feel the sincerest conviction of their intelligence and integrity.

But as Mr. Brougham had lamented the absence of two particular names from the list of honorable Commissioners, I surely might be allowed to join in the expression of that regret when I was bound to those whose names he had introduced, by many considerations of private regard, respect, and gratitude. Nor could this expression of my regret, in common candor, be conceived as implying the least disrespect to others, or being a mere "Echo" of Mr. Brougham. If it was an Echo, it was not an Echo of Mr. Brougham, but of the WHOLE nation.

If Mr. Brougham were to say, "that Milton's Paradise Lost" was a fine poem, my cordially joining in the sentiment would not be an "Echo" to him, when all judges of poetry think the same: nor could this expression of praise on one great Poem be deemed the least reflection on a poem such as "THE LAST OF THE GOTHS!"

I trust the writer of that article will take in good part these observations; but I could not be entirely silent when I am represented as throwing a kind of *slur* on names which stand high in the national estimation; and when the writer is lost sight of, to bring before the Public the feelings of the *man*, with which the public have nothing to do.

As to "sickening adulation," let those show it who would palliate grievances to flatter power, "*that thrift may follow fawning*," &c.

I had no motives, no feelings, of this kind; I could have none. Nor had I the smallest desire to detract from the great services rendered to the nation by the existing ministry, though I am honored by the notice, and, may I say, friendship, of some of the most distinguished characters politically opposed to them. I have never concealed or compromised my own opinions.

Having thus endeavoured to set myself right before the public, respecting the motives and feelings which influenced me in addressing Mr. Brougham, on the subject of Winchester College, I hasten to the more immediate topic of this letter—the increase of crimes; and I am persuaded that if, in speaking of the best means of preventing *these crimes*, education, and the national schools, I should succeed in disposing your mind to a more just view of the Church, of which I am a member, I shall have done some service to it in this day of trial; and if what I address to you should dispose others to a more tolerant survey of the advantages derived from its establishment, I hope also I shall have done some service to the *country*:—at all events, I shall have done my duty without any feelings of *terror*, and without any thought of *interest*.

The first object we have to notice is the dreadful Increase of Crime. According to the statement of a noble Lord in the House of Peers the increase of capital convictions in the space of twelve

years, was from between two and three thousand to thirteen thousand.

It was then observed, "that it was impossible to determine what the causes were of this frightful augmentation; nor was it assignable to any one cause in particular. Among the supposed causes mentioned, were the increased taxation and the fluctuation of property in consequence of a war.

That the most obvious causes are, first, the *premiums* on a rapidly increasing *pauper* population; the state of prisons; the frequency of capital convictions, is now generally admitted: I shall add a few observations on these topics, and then advert to some peculiar circumstances in the present day, which tend to render ineffective those *moral* restraints which a well-regulated sense of religion imposes.

Each of these causes, like the wheels of a vast machine, moves other subsidiary and unseen powers, which, being impelled with increasing force derived from the first cause, all and each contribute in their turn, more or less, to one accumulated effect.

On the first of these causes of that evil which we see and lament, I shall offer a few reflections; and first, of the *premium* on the increase of a *pauper population*. It has been often observed, that the poor-rates, with all their evils, have brought a tenfold accumulation of those evils within the last twenty years. One of the most deplorable effects is that of completely paralysing the sense of moral independence in the poor man; the consequence of this is the withering of those sympathies which the Author of nature implanted, and which the Christian Religion nourishes.

Under the iron law of compulsive aid, all the feelings of benevolence die; but not only so, even the feelings of natural affection become almost callous, in consequence of the afflictive operation of those laws.

Every child a poor man has, after his first, brings to him a *premium* from the parish, which, in the onset of life, makes him the less anxious how he should be enabled to provide for it. Nor, in consequence of the present administration of the poor laws, did this enter into his calculation when he married. As a laborer he has, perhaps, eight shillings a week—when he has *two* children he demands twenty shillings during her confinement for his wife and child; when this month is over, he goes to the vestry, and though he is young and strong, and employed in constant labor, instead of receiving ten or twelve shillings a week for his labor, which would keep the moral feelings of independence and decent pride alive, he holds out his hand as a beggar for a shilling more, to the overseer of the poor.

The first feelings having been thus brought down, it is of consequence to him, that his wife should annually present him with an *addition* to his *family*, because he is sure of receiving eighteenpence additional for each child till ten years old, and after that two shillings. Suppose his family be increased, which almost invariably happens, to four or five children in so many years, his necessary allowance from the parish must be

	s.	*d.*
Self	4	0
Wife	2	0
First Child	1	6
Second Child	1	6
Third Child	1	6
The fourth Child	1	6
	12	0

This is the allowance, if he works for a farmer at eight shillings a week. If he is obliged to be employed by the parish, one shilling is taken off, that he may be induced to try to get labor himself. His earnings, those of a laborer in husbandry, are eight or nine shillings, and the rest is made up from the poor-rates.

It must be obvious that he will not work if he can help it, as he cannot get more than eight or nine shillings if he does; and he is thus *encouraged* to avoid laboring any farther than he is obliged.

It may be otherwise with some, but, in general, the very habits of sobriety and industry are destroyed; for by degrees the laborer reasons in this manner: "If all endeavor to work *as little*, and get *as much* from the parish as they can, why should not I?" But let us see, not only the demoralising effect on his own character, but on all the interesting feelings which light the fire-side of a father, however poor. He looks upon his children as worth so much parish money to him; and when he has become a completely altered character, by the inevitable deteriorating effect of those laws, he considers the money as received in consequence of the increase of his family as his own. This he too often spends at the ale-house. When he returns in the evening, his humble dwelling is no longer cheerful: his hearth is cold and comfortless: his children sallow, and his wife in tears: he becomes more alienated from them on that account, and yet he is anxious for *another child*, that he may save from the *premium* given by the parish, a farther sum. Thus, through a vast proportion of the population, these causes extend in an immense ratio the *evil* first produced.

Let us trace this picture a little nearer. Two of his children are upwards of ten; he is not solicitous for their leaving home,

to procure a livelihood, or work for themselves, unless *he* can get what *they earn*. Here is instant estrangement, and the first affections of nature—those of a child towards the parent, or a parent towards its child, blighted.

When the son is grown old enough to look out for work himself, or the daughter to straw-plait, whilst they live together, the overseer's scale is not altered; the father is dissatisfied if he cannot share what the son earns; and the son, of course, keeps what he can to himself; but all of them try to persuade the vestry how little they can earn, in consequence of bad weather, &c.

The father eats his solitary meal, and the whole family are as much separated as if they lived apart. Suppose the father dead, and the mother left with two sons, grown up; they are unmarried till, perhaps, twenty, and earn eight shillings a week each. This sum, if the mother was now become infirm or helpless, in a family of love, would be sufficient, for it would amount to sixteen shillings for three. But would the children spare a part of their bread to the melancholy mother, who, whatever their father might have done, *always loved them?* can they not spare a little from their own comforts to render more comfortable the few declining days of her who watched over their childhood, and who is now a grey-haired widow? Not a sixpence! if they can help it, not a penny! In a case of this description, two sons *unmarried*, earning each eight shillings a week, refused to grant a penny towards the maintenance of their mother, living in the *same house;* and the mother, so far from requiring it, thought it *very hard* that they should *pay* any thing to her, who, she said, ought to be supported by the parish!

She was granted eighteen-pence! and upon that, and one shilling of her own, I believe, she subsists very contentedly! These evils are obvious to any considerate mind.

Oh! with what pleasure have I seen an industrious mechanic of Scotland, where these laws have not yet so palsied the first and best feelings of the heart, when he has earned some provision for his family, share his roof and his comforts with his aged mother!! How have I astonished that mother when I informed her that in one English parish (my own) nearly *three thousand pounds* are annually given to the poor! and what are the effects upon the morals, the sympathies of man, and the dearest and first affections of the heart!

I take my examples from a country village, and, in spite of these drawbacks, if there is, as generally happens, a clergyman's family, to keep alive and preserve some traces of virtue, morals, and kind affections, his duties on a Sunday give him an opportunity of preventing the entire extinction of all virtuous independence and domestic happiness.

But in manufacturing towns the evil is tenfold. When the "whirling wheels are all wakened," the weekly pay of the manufacturer is very great in comparison of the pay of the country laborer: but not one penny is saved; and the week of prosperity, or the day of hardship, is equally unpropitious to morals.

In consequence of the laborer being paid out of the *poor*-rates, *thirteen* come now for relief to the vestry, although there came, twenty years ago, *not three*. The proportion of increased demoralisation in the population, since the last fifteen or twenty years, has been nearly in the same proportion.

Hoc fonte derivata clades
In patriam populumque fluxit!

And the appalling circumstance of such an immense number of juvenile depredators being thrown on the public, who "share no father's love," will be in some degree accounted for from what has been before stated, and from the accelerated accumulation of combined evils since the last twenty years from this infecting source.

Since the last twenty years the poor-rates have increased nearly double. The following is an accurate account of increase in a manufacturing town not very large:—

	£.	s.	d.
Amount of Monies paid to the Poor of the parish of Calne, in the year ending at Easter 1806	2306	10	6
Ditto for the year ending at Easter 1818	4164	3	6½

The evil of increasing depravity is in the same ratio, or greater, as it generates so rapidly.

But if these laws operate to destroy the sacred tenderness of affection, the moral respect of married life, they also produce an endless succession of crimes, by the encouragement they afford to unrestrained, illicit connexions, between the youth of either sex.

The girl, as she grows up, is abandoned by those natural guardians of modesty, fear and shame, not to speak of higher and more awful considerations.

The only restraint on the part of the man, is the chance of so much money to be paid out of his weekly labor. This is generally from eighteen-pence to two shillings; but does he pay it?—no such thing. The overseer pays it for him, till he owes three or four pounds; this is then demanded, and he is threatened with a prison; there he knows he must be kept, at more expense than the eighteen-pence a week, and he has little dread. At the end of

the first year he owes *four* or *five* pounds: "he might as well think of raising Pelion on Ossa," as to think of paying this. It is an absolute fact, that in one small country town in Wiltshire, in the space of a few years, FOUR HUNDRED POUNDS are due to the overseer on this very account.

These and many other baneful effects have been long deplored. The mode in which the subject was taken up by the late House of Commons, and the luminous preliminary Report by the chairman, show at once the sound discretion of legislators and the difficulty of legislation.

A small portion of land to every cottager, independent of the aid in relieving the rates upon every moral and rational consideration, were practicable, and imperiously required. A cottage with a garden is a moral as well as interesting object; and I would humbly suggest, in all cases where the leases of a landholder are not already granted, and as often as they shall fall in, an imperative condition, that out of *every hundred* acres let to a farmer, he should be obliged to let *four* to the poor, at the same rent. Farmers in general are unwilling to do this at all. If they let an acre or two it is at double their own rent. Suppose their rent to be forty shillings per acre, they let an acre or two, perhaps to their laborers, at four pounds per acre, for garden ground. But take a parish of two thousand acres, there would be eighty acres for the industrious laborers of that parish. None who could work should have relief, and they will take an acre, even as it is, from the farmer, upon this condition. The man who has two children, instead of begging, as a pauper, for a shilling additional to the earnings, would by degrees get for his labor that which he receives as a dole from the parish. Suppose only *nine shillings* a week wages were paid, to those who now receive one shilling a week, from the vestry; all these would be instantly off the parish books, and they would become *better* and happier men. If the laborer's pay were raised for work, he would endeavor to save, and not before; and the Saving Bank would form the *nucleus* of his first deposits; but, unfortunately, its operation, beneficial as far as it goes, does not, at present, reach him. If the price of labor could be gradually brought to *look up*, which, I think, it must do if every laborer had his home-plot, the beneficial effects would be felt through the country.

In corroboration of this, I beg to call your attention to what has been published in a country paper, in a neighboring parish.

"A few years back the farmers of Dauncy, in this county, let to the poor laborers of the parish, who had large families, three acres of land each, at two pounds per acre; and soon afterward the late Lord PETERBOROUGH gratuitously built a barn for them,

where they could thrash their corn; the consequence was, that those men had their names immediately struck off the parish book, have brought up their families to industry and honesty, and all of them now cheerfully pay to the aged and infirm of the said parish their regular rates. The farmers declare that the parish have saved hundreds by this plan. The gentlemen and farmers of Great Somerford, in this county, are now pursuing a similar plan, by letting the same number of acres to the poor, with large families, and paying their taxes. Each farmer allows according to the extent of his farm.

Something like this it has been my anxious wish to effect ever since I have lived (all my life, I might say) among the poor. But to talk of making a poor man at all independent, is directly met by the observation—"No, no, that will never do. How are we to get laborers?"

It may be said that such a provision as I am describing would only answer for a time: but the first object is to support the moral and independent character of the laborer.

The Legislature cannot make it *imperative* to raise the price of labor; but a landlord might make it *imperative* on his tenant, with a new lease, to let four or five acres in every hundred to the laborers, especially those who have families, and the rest would follow.

Rapid, and almost insupportable as the accumulation of vice and misery has become, in consequence of the poor-rates offering a premium for the increase of crimes, this *effect* would not have been so visible and extensive, except for other great and effective moral causes, beginning at the same period.

The chief of these is the alteration in the reasonings, feelings, and habits of mind, particularly in fermenting populous districts, in consequence of the French Revolution! The disciples of this terrific and once triumphant anarchy, under various names and aspects, have never slept! All that made obedience to the laws "liberal," has been systematically and incessantly decried as delusions practised by the rich to enslave the poor! All the kindlier virtues have drooped and withered under the extent of the influence of this poisonous opinion. It has spread and infected the wholesome country; and though the great, moral, sound English understanding has resisted, NATIONALLY, the MIGHTY PLAGUE, it works on in darkness and in light, distempering religion or deriding it—holding up nauseous accounts of miracles of conversion by instant grace (without a word of Christian duties) in one hand, and Paine's Age of Reason or Hone's disgusting Parodies in the other: even the very Grammar, that has lately been published by Cobbet, shows its object is to pervert and corrupt the youthful

mind in its first and earliest avidity of knowledge; and thus the child is taught indeed, "like our first parents," (in the language of some ARISTARCHUS,) to ACQUIRE KNOWLEDGE at the EXPENSE of INNOCENCE!

I have mentioned what appear to me the first and most obvious and prominent causes of the increase of crimes. The present day, besides exhibiting such increase of crimes, particularly the dreadful spectacle of so many youthful offenders, is also marked by some offences of a peculiar and more atrocious cast of character; as if the spirit of darkness was literally "walking to and fro upon the earth," and visiting, with dæmoniac inspiration, the wretched victims of his distempered delusions.

Lord Castlereagh seems to deny this. Does he forget the murderer, on his knees in a place of worship, his hands dripping from the recent slaughter of his own wife whom he loved?—that frantic destroyer, who, not being able to wreak his vengeance on the object which offended him, plunges his knife into the throat of the little innocent, in the midst of its confident and affectionate caresses, because the child would go to heaven?—that wretch, who amidst the execrations of indignant Englishmen, and covered with filth, moves carted through the crowd with seventeen detestable associates, who fifteen years ago had taken out a *licence for preaching*, at the very sessions from which he was dismissed a convicted monster?

These, and many other, not ordinary crimes, have occurred in the space of one year, and I need not point out the numberless criminals of the worst description, who leave the world on the platform of ignominy, singing praises of acceptance, instead of showing the signs of remorse and penitence.

Whilst we think of such things, in a country and an age well informed and comparatively enlightened, the anxious mind, almost staggered, tremblingly asks, "Whence is derived this awful accumulation of vice? What has been done to prevent it?"

It is obvious that there can be, generally speaking, but three great checks to the career of vice: justice, which punishes; morality, which restrains; and religion, which forbids. The last "*magnâ testatur voce.*"

If we are almost astounded at the picture of some heinous transgressions, I cannot but express my conviction, that it is owing to this further cause, that these laws, and that system of morals and religion, which ought to check, are in the present day, in some instances, assistants and promoters: justice defeats her own purpose from the number of convictions, and the state of the prisons; while some perverted notions of religion strike at the root of moral obligation.

On each of these I shall say a few words, but chiefly dwell on the latter, as more in union with the object I have in view in troubling you with these remarks.

Of the mass of misery and crimes generated by the contagion of jails, let us hear that excellent, that truly christain character,[1] speak, whom I cheerfully mention, adding the tribute of the warmest admiration and praise, although I differ from her in religious principles. But if we differ in those forms, which I conscientiously believe divinely instituted by the Master whom we both acknowledge and revere, there is no difference in our opinion of the fruits of His religion, those of charity and love. I allude to this estimable woman, because a reference alone to her benevolent labors will establish the fact of the contagion of crimes in jails.

We must also remember that this contagion has been augmented by the peculiar circumstances of the country and the Bank of England. The bank notes in circulation

From January to June 1797, were 10,821,574
From January to June 1818, ... 27,954,558

Much of the evil, therefore, must have arisen from this source; and when we consider what multitudes the demoralising effects of the poor laws are daily and hourly rendering ready and prepared instruments of vice; when we reflect that the progress of crime, like contagion, is accelerated by communication, and remark the rapidly increasing population of paupers; and when we consider that the sense of religious obligations may be so perverted, as, in some instances, to become not restraints, but virtually aiders and abettors to the career of crime; and, moreover, when we think that these causes have been and are now in action from the time since the progress of crime has been observed, I think we may go near to estimate some of the more proximate causes. But

Raro antecedentem scelestum
Deseruit pede Pœna claudo.

And we may still hope, though the career of vice has hitherto outstripped prevention, that when the gaols and dungeons have visitors like Mrs. Fry; when the education of the lower orders is rapidly advancing; when the attention of humane and sensible Statesmen by your energetic eloquence has been drawn to the criminal code; when Wilberforce, *clarum et venerabile nomen*, has crowned those long and arduous labors, by which he has chiefly contributed to give his country a higher and more glorious rank than the mightiest

[1] Mrs. Fry.

victories could give it, by rendering his unwearied assistance to such a cause, we trust new morals and new virtues shall yet arise!

I now hasten, from this rapid view, to call your attention to that which was one main object of this Address,—the part which the Church of England bears, and has borne, in assisting the education, and promoting the morals, of the rising generation.

Far be it from me to wish to cast a shadow of reflection on the mode of education pursued in other schools; but I would appeal to you, as a Christian, after what I shall temperately state, *whether* the Church of England deserves those imputations which have been cast on her; and granting the utmost praise to all those, of whatever communion, who join, without jealousy or invidious comparison, in the educating the poor, *whether* the discipline of her extensive schools for the poor, the nature and course of her early instruction, the rudiments of moral and religious knowledge, and the character of her ministry, ought not to be viewed with a different eye from that in which it appears to me to be viewed by those who are friendly to the national mode of education.

I admit how uncharitable are any vague accusations which describe the children of the British and Foreign Schools as bred up without any "*religion at all;*" for, surely, the child, that has its attention fixed upon lessons transcribed from "HOLY WRIT" itself, cannot be said to be bred up with "no religion at all." The "word of God" is alone necessary for salvation; but if we use the Catechism of the Church of England, it is because this formulary has been found the best and shortest way of promoting the knowledge of the Bible, of Christianity, and all the relative duties of life.

As to bigotry, surely there is far greater bigotry in rejecting this formulary, at all events, as if it was *contrary to religion* and morals; which no dispassionate man can possibly say.

I believe the human faculties (without speaking of a divine direction) never devised a system in alliance with all that is sublime or holy in Christianity, better calculated to encourage virtue and prevent vice, than the discipline, morals, and habits, inculcated and produced by the National Church, of which this reviled Catechism is the first step.

The value, indeed, of an Established National Church itself is to be estimated by its tendency to further those principles which are most essential to the morals and happiness of a Christian people.

On this ground the Church founds its claims to the protection of the State; and yet nothing can equal the rancour with which it has been assailed, particularly by the author of a book as false in accusation as it is quaint in title, called CHURCH-OF-ENGLAND-

ISM! The Church of England disclaims all pretensions of a domineering priesthood; all arrogant dictation.

But its true and legitimate character, as a National Church, and on which account it stands independent and illustrious in the sight of a great nation, is in consequence of the good it produces in exhibiting in every part of the country, from the populous town to the humblest village, an active form of christianity, never separated from sound moral duties. Not more interesting to the eye of the traveller, nor more beautifully harmonising with the natural landscape, is the village spire, retaining, whilst evening fades, the last and most lovely tints of heavenly light; not more conspicuously solemn and august are the temples that recall the thoughts of another life, amidst the smoke, the glitter, and the palaces of a luxurious city, than are those elevated feelings which the doctrines of the National Church are in a moral light calculated to promote.

If the earliest of its lessons, begun almost in childhood, is (as some assert) only the first rudiments of political servility, I am sure it is not more so than the lessons derived from that most awful authority to which it appeals. But it inculcates no servilities, unless it be servility to be taught the first principles of moral duty —servility to obey the laws. Unless that be servility which impresses on the youthful mind, as it grows up, the deference which is due, and even shown, in the rudest nations to superiors; that sense of propriety and duty, which with HONOR to God and faith in a crucified Redeemer, joins the lesson "to hurt nobody by word or deed; to be true and just in all our dealings; to bear no MALICE nor hatred in our hearts; to keep our hands from picking and stealing and our tongues from evil-speaking, lying, and slandering; to keep our bodies in temperance, soberness, and chastity; not to covet or desire other men's goods, but to learn and labor truly to get our own living, and to do our duty in that state of life unto which it has pleased God to call us."

Now let any one teach a child from his earliest age to despise this beautiful compendium. As "evil communications corrupt good manners," he will learn evil fast enough, whatever restraints the care and affection of a father may lay on him, anxious lest sorrow betide him in the way he goes. Take off these restraints, away with all this sedulously enforced instruction—this code of servility and falsehood!! Would the father in any situation of life think his son likely to become more happy if he had been deprived of these first means of teaching him to be a good son and good Christian?

The annual spectacle of ten thousand little children, with their prayer-books and bibles, ascending up to the vast dome of St.

Paul's, gives a far more imposing interest to the heart than the magnificent building itself, with all its harmonising proportions.

But there is a cry excited, that the system pursued is "*exclusive*;" by which indefinite and invidious expression, honest people are led to conceive, that the *exclusive* mode of teaching pursued in National Schools is such, that none, but those who are bigots to systems and creeds, which bow down the faculties, can or ought to comply with. The word "exclusive" is employed to keep alive these feelings. This word is not sufficient for the great stomach of Jeremy Bentham,

> "Who, to assist his native strength,
> Draws words, SIX syllables in length;
> With which, assisted by a frown,
> By way of club, he knocks men down."

For he would seem to excite a more formidable idea of something peculiarly bigoted, by calling them EXCLUSIONARY!

But to use his own *exclusionary* language! This "EXCLUSIONARY," what is it? Is it SOMETHING, or nothing? If it mean nothing, why is it used? If it mean *something*, is that something *conditional* or not? And this *conditional*, what is it—of what does it consist? what are its marks? The conditions are, that the child shall learn. Learn what? Now comes the *exclusion*. Learn the CATECHISM of the Church of England. And this Catechism, what is it? An invention of Priests, to bow down the growing faculties of the human mind to power. And this invention of Priests, who introduced it? Those, who so far from bowing down to Kings and Queens, endured a death of agony in the flames, rather than comply with what their consciences did not approve! At least this was the case with Ridley[1]—Cranmer's death had been determined on, recant or not. To proceed—These dreadful expressions "exclusive and *exclusionary*," in the eye of common sense, mean then, "conditional" simply! But are not any conditions "exclusive?" as much as every school, upon every principle must be exclusive. Jeremy Bentham could not have enlightened Englishmen, by English which no Englishman understood, till it was translated into French by a Gentleman of GENEVA,[2] unless he had been taught to read. If a child goes to school, it is conditional that he learns to read. This might be called a restraint on the dawning faculties of the human understanding.

[1] Reginald Pole had instructions, if possible, to persuade Ridley to comply, that his life might be saved.

[2] M. Dumont, of whom I speak with the utmost respect.

Accurst the man, whom fate ordains, in spite,
Or cruel parents teach, to read and write.
What need of letters: wherefore should we spell;
Why write our names? a mark will do as well.

There is another *condition* in going to school: to be taught the duty to God and man; otherwise the next generation will not be the better for all this reading. And if this duty were not taught in the Catechism, it would be almost impossible to find a portion of the New Testament (which Mr. Bentham may call *exclusionary*), in which the same duties are not insisted on. The child will find in the New Testament as much of the duty required to God, and to man, and obedience to the laws, as in the Church Catechism; he will be instructed that there is another world; a state of happiness or of misery; and he will be taught, as well as by the Catechism, that he "*must renounce* HIM and all HIS WORKS," of whom, "le naïf," Jeremy says, "and this DEVIL, who is he? where does he dwell?"

To this profound philosopher the most awful truths may appear a *fable!* Besides, he has as much aversion to fables as to *truths;* as if, because the fable is *not true*, the moral and application *were not*. How much has poor Gay to answer for, who has exhibited an "elephant" [1] most philosophically discoursing in a bookseller's shop! It is *not true* that elephants, albeit the most *reasoning* animals, *speak Greek*, though they might *speak a language*, like a *certain author*, peculiar to themselves! What says the bookseller to this *reasoning* and *speaking* elephant?—

Learn'd Sir, if you'll employ your pen
Against the senseless sons of men,
Or write the history of Siam,
No one is better pay than I am;
Or since you're learn'd in Greek let's see
Something AGAINST THE TRINITY!

Now, Sir, though a boy does not believe this, he must be as great a "goose" as the said philosopher thinks Judge Blackstone, not instantly to perceive the moral, and the moral is *truth*, and will be as long as time lasts. I cannot leave this curious fable without a word more on its *moral*.

Then wrinkling with a sneer his trunk,
Friend, quoth the Elephant, you're drunk.
You surely ne'er can want a pen,
Among the senseless sons of men;
They, unprovok'd, will court the fray,
ENVY'S a SHARPER SPUR than PAY!

[1] The Elephant and Bookseller! a fable.

Highly estimated as are the talents of this author, I believe his best friends think that Church-of-England-ism has added no great fame to JEREMY BENTHAM-ISM !

Though this author dislikes *children's fables*, as much as awful truths, there is one fable which would do no injury to his wisdom, and cause no disrespect to his grey hairs, to learn (particularly when the best and most virtuous characters are attacked), the fable of the VIPER and the FILE !

So little "exclusive" is the Catechism of the Church of England, that I believe no human being, unless more bigoted than any whom "bigots" call so, would object to it. We have seen the force of the objections to its teaching servility: as to any doctrines not purely *scriptural*, I know of none: I believe the most conscientious dissenter, judging as a Christian, would be puzzled to find one. If the word "Sacraments," be not in the Gospel, they are found in the Church of the apostolic age, and the Church of England refers in all her formularies to the apostles and primitive uncorrupted Church.—If any thing were admitted which led the youthful mind more to the elements of didactic disputatious divinity, than to plain and practical Christianity, what will such objectors say to the Assembly's Catechism, and this called the "*shorter ?*"[1] The seventh question to a child of *six* or *eight* years is, "What are the DECREES of God ?" The child might answer in the words of Dryden—

> I cannot bolt this matter to the bran,
> As Bradwardine and learned Austin can.

All that I would wish to suggest to any considerate and dispassionate judge is this, that the first elements of Christian knowledge and Christian duty, cannot better be impressed on the memory of a child, than by a formulary, which comprises in the clearest manner Christian faith and Christian duties. The formulary of the Church of England Catechism, in this respect, may claim superiority over every composition of the kind.

This, then, appears to me all that the formidable words *exclusive* and *exclusionary* mean; and in answer to Mr. Brougham's objection, "that the dissenters will not send a child to the National Schools, on account of this obnoxious Catechism," I refer you to the examination of the master, in Baldwin's Gardens, by which you will find "they *do* send *them*, and *gladly*."

If there are those who think any other mode better, let them pursue that way. There is room enough for all; we do not live

[1] The shorter Catechism composed by the then Assembly of Divines.

under ordinances, which make the teaching school transportation or felony; such as those in the times of Puritanism rampant, when neither the rights of conscience nor means of procuring a small laborious livelihood, were allowed to the Clergy. With respect to portions of Scripture, selected for the use of the British and Foreign Schools, the same is done in the National Schools. All the books used are before the public, and let the severest scrutiny point out one that is not conducive to piety and virtue! If the Catechism is not taught to the children in other schools, they are gradually led by their respective ministers into the peculiar dogmas of the several creeds of these ministers. The Calvinistic minister may unfold the doctrines of personal predestination and the election of grace: the Methodists may enforce how vain are all instructions without early "experiences:" the Baptist may decry the baptism of infants, and tell the child to wait till he is sure he has an "interest in Christ's death!" and the Jew-boy, that Christianity is all a FABLE! but is this mode of instruction *better* than that of the Church Catechism, by which every one in the kingdom knows what is taught to the children, and in which at least the TEN COMMANDMENTS are not forgotten?

But the Catechism is learnt by rote! The bread is cast on the water, and these lessons are only consecutive of those injunctions in baptism, in which the godfathers and godmothers are admonished, that the infant may learn, as soon as he shall be able, the Lord's Prayer, the Ten Commandments, and all other things which a CHRISTIAN OUGHT to know and believe to his SOUL'S health!

True—Jeremy Bentham, in the solemnity of his wisdom, despises these things; but the strongest proof of their excellence appears, when such a man, with all his powers of argument, and all his sarcasm, can bring nothing against them but such objections as the veriest old woman must despise.

So essentially mingling with all a child's ideas of duty, and sense of moral obligation, are these rudiments, that I will venture to say the first compunction a youth, thus brought up, feels, is when he has for the first time omitted that prayer, which his pastor and his father or mother taught him, and when he first violated his habitual sense of reverence to the sabbath.

The confession of those thus bred up, who have been afterwards corrupted by evil communications, will prove this fact.

Now suppose unceasing efforts are made to decry, and hold up to contempt that very discipline which is the parent of orderly habits, and habitual dread of crimes in early youth; when manhood advances, when temptation is added, can a legislator, can a Christian, doubt the effect? Let us go a step further. The idea of a state of rewards and punishments, in another world, is, and must be, inseparably connected with religious restraints.

But to say nothing of frantic ATHEISM, suppose a system were devised and put in extensive practice, by which MORALITY should be divested of its most effectual sanctions.

Suppose a system were devised by which "morals" should be studiously and intentionally separated from religion. Suppose, not only the baptism and Catechism of our Church decried, but that religion held up to peculiar obloquy which enjoins *morals* as well as faith. The holy apostle says in most awful language,—"Add to your faith VIRTUE," and let it be remembered, that next to the word of God, one of the books, which the Church of England puts into the hands of most of those brought up under her care, is the book called the Whole Duty of Man. Now it is a fact, that this book, which succeeded the dreams and visions of a false inspiration in the 17th century, from that time to this, has been marked with peculiar obloquy by a certain class of religionists.

The Catechism, the Whole Duty of Man, and often the BIBLE itself, is superseded by the *Pilgrim's Progress*. Far be it from me to speak in disparagement of that singular work, of high and interesting poetical invention: far be it from me to deny, in numberless instances, its effects, in exciting a deep sense of religion in hearts the most obdurate; but in this book, at the very beginning, the flames of hell are represented as bursting with tenfold rage over the head of the aghast and devoted pilgrim, because, with the gospel in his hand, he is trespassing, not on the grounds of *immorality*, but on the grounds of *morality!* If the guide, Evangelist, was such a guide as St. Paul or St. Peter, he would have told the melancholy wanderer, that the true Christian never strayed from the grounds of morality! much less that HELL would seem to burst with double fury, because he was there found!

Let it not be thought for a moment that the Church of England is not anxious to lay deep the foundations of FAITH. If any of her ministers neglect to do this, they are traitors to the code of faith and practice which they hold in their hands. But the homilies, the liturgy, and the articles, witness very differently of the National Church.

Morality, which might be preached at Athens, before St. Paul came, unconnected with its highest sanction, is not avowed, is not preached in the Church of England. "We are justified by faith and not by works," is the great foundation of her doctrines. But whoever separates good works from faith, that is *Christian works* from *Christian faith*, is not only a traitor to the book which he holds in his hand, but to the state which gives him bread.

We know the constant practice of the apostle: did St. Paul after he had so explicitly laid down these grounds of faith, in the Epistle

to the Romans, say, if your faith is right, I need not mention GOOD WORKS? Fathers, children, wives, husbands, subjects, servants, speak how earnestly he addresses you; speak, how beautiful and how affecting are all the morals he enforces on all the stations and relations of life: so also speaks the Church of England, in her most approved works. Can any one doubt the effect, when the greatest contempt is avowed, not for those who are disobedient to parents, undutiful, immoral, or workers of iniquity, but who are guilty of that heinous sin, "Going to the TOWN of Morality to Church."

But, Sir, this is not the view of religion and morality held out by a single popular production; it is the language of thousands and ten thousands of tracts with which the country swarms in every direction. They are thrown out of coach windows which rapidly pass along the roads to and from the Metropolis; they are hawked and dispersed in all directions round the country, from Manchester, Nottingham, Bristol, Oxford, and other great places; and such tracts direct the feeling of all the newly *awakened* in populous manufactories, and their venders traverse the remotest villages. What is the object of that mass of *untruth* and calumny which forms "*village dialogues?*" One of them, which is the most popular, describes the parishioner as going to the Clergyman, and asking for religious advice. The clergyman gives some proper advice, when he recommends to his parishioner the Whole Duty of Man! The parishioner has seen that book, but there is no "heart-work" in it. "Heart-work," the clergyman is made to say; "heart-work!" what is that? I can find no such word in my dictionary! and the parishioner turns, with feelings of contempt, from his minister, (who might have said he could find no such *word* in THE BIBLE) to learn "whatsoever things are true, whatsoever things are lovely," from such dialogues.

From these representations and caricatures, drawn by ignorance or malice, are the general ideas excited among the common people, of the character of the country clergyman, the object of whose preaching and pains is, in eleven instances out of twelve, to teach Christian duties as well as Christian doctrines; and for this reason he has the name of *Little-grace*, *Dumb-dog*, and sundry other appellations, which it pleases such solemn "revilers" to bestow.

Not second is a renowned Doctor,[1] himself a churchman, whose horn out-sounds the horn of the very POST-boy, whom his labors are to spiritualise. The "post-boy," the "stable-boy," the "bar-maid," the "hostler," and the "*boots*," are all to be spiritualised into the Doctor's Christianity, which decidedly, and

[1] Dr. Hawker—Brown's self-interpreting Bible.

in the face of its divine Author, asserts that Christianity has neither "IF" *nor* "BUT!" though Christ says, "happy are ye, IF YE DO THEM!" "IF thou wilt enter into life, keep the Commandments." And thus all the exhortations to moral goodness, which are scattered over, and glowing in, every page of the heavenly code, are to be cast away as useless!

Almost every poor man, in manufacturing towns, if not in villages, reads his Bible with such comments.

In one magazine I have read the daring assertion that the Spirit was *not* given to make us BETTER! Hear another, who puts into the mouth of the apostles, in his Self-Interpreting Bible, such sentiments of individual election to eternal life and glory, as must nullify some of the plainest parts of the words which want no "*self-interpreter*;" and how many are prepared to iterate the boast of Palmer,[1] who says expressly, "that OUR GOOD WORKS cannot add to our salvation, nor OUR BAD ONES take from it!"

I would wish to speak with the utmost tenderness of all who differ from me in religious opinions; but I must notice an attempt among some manufactories to place schools in country villages, where there are schools and a residing clergyman. Though there is nothing objectionable in their elementary books, I fear the object of some is not so much to teach the children to read, as to read such tracts as I have described, which will make them neither better Christians nor better men.

In the tracts I have mentioned, what is the general representation held out? That man is a hideous compound of every vice; that his heart is of the direst and deepest blackness! that he must be made otherwise by *especial miracle!* The conscious convert finds the blackness, and too often infers the grace. But the only question is, whether such opinions, received as the essence of christianity, joined to a creed which decries *morality* as heathenism, does not make the convert in many cases ten times more the child of darkness than they found him. I could point to examples of vice from this source, many of which have happened under my own eye.

But will not the most common education teach us to regard these caricatures with indifference and contempt? I am sure it is the object of the education of the Church of England to give sober and scriptural views of man, of his hopes of immortality, and of his duties, in whatever station. But even this is attempted

[1] These words are literally taken from a pamphlet written by a person of this name, against Mr. Warner of Bath, whom he accuses of "undermining the Faith," because he exhorts, with the Apostle, his hearers to add to their "FAITH, Virtue."

to be traversed in every possible way, and the very infant called from the straight path of instruction and duty to another and more effectual way—instantaneous operations of the Spirit, without which all teaching, even to a child, is superfluous! The "experiences"[1] of children of eight or ten years are a most happy device for preventing the good effects of READING!

I have briefly touched on this topic. I would not pursue it a step farther than I thought absolutely necessary to prove the point, that even the hallowed name of religion, instead of being a terror, might be perverted to be an encourager, to evil-doers.

Let us not forget, however, whilst speaking of this important and awful subject, another pernicious consequence arising from popular perverted notions of religion. I allude to that mode of representing those of fair irreproachable character as equally *vile* with the most abandoned. Before God, "whose eyes are too pure to behold iniquity," what mortal man can say he is "clean in his sight?" "We all offend a thousand times in a day." Under the sense of these imperfections, when shutting the world, as it were, from his view, and bringing his heart into awful communion with his Maker, the very best of human beings that ever lived may sincerely and tremblingly join in the confession in our service, "Have mercy upon us, miserable sinners!" But ought this heartfelt confession, or, when at the commemoration of our Lord's Passion, we repeat, "the burden of our sins is intolerable," ought this expression to be so understood as that we should make no difference between deep depravity and an anxious wish to keep a conscience void of offence towards God and man? What are the immoral consequences which necessarily follow? If the *best* may say, I am as wicked as the *worst*; the *worst* may say, I am as good as the *best*; and a *regenerated murderer* may thank God that he has not played a game of cribbage!

I am speaking of the necessary immoral results of thus not separating Christian humility from Manichean *vileness*; and we need not look far, when crimes stare us in the face, I fear, from this one great cause. Queen Elizabeth said she could do any thing when she *tuned* her *pulpits!* This is more than her sister could do, or James the Second. In the days of Charles most of the pulpits were *tuned* to the song of Old Case, who preached before the House of Commons, "I will have blood." Can any one doubt the consequence to the national morals, when pulpits, of some description or other, are *tuned* every week, and almost every night, against "MORALITY!"

[1] The common definition of this word is not from St. Paul, but Thomas Aquinas!

We have the authority of Lord Castlereagh for saying that about HALF THE NUMBER of OFFENCES is found committed in FIVE alone out of the FIFTY-TWO counties!—Middlesex, Surrey, Warwickshire,[1] Yorkshire, and Lancashire. The vast metropolis extends its mighty mass of criminality through the first two of these counties; and I call the christian reader's attention to a fact respecting the *two* last. Lately has been published an account of the "REVIVAL and PROGRESS of RELIGION" in these particular counties; and therefore we might be led to expect that the crimes in counties so blessed would be fewer! True piety and virtue would certainly effect this. But the feeling which is generally called a "Revivval" in a manufacturing population, is, I fear, very different in its effects from those produced by "pure and undefiled" religion! The Judges of Assize could tell appalling tales! Writing these observations during the assize week at Salisbury, I am informed by one of those high characters, that at Winchester a woman, 61 years of age, had lived forty years in a state of affection and comfort with her husband, aged 71. She beat his brains out with an iron instrument, in cold blood, at midnight! An attempt to prove lunacy utterly failed. The whole of her language and conduct, before and since, was cool and collected, and as remote as possible from any appearance of the kind. She had been taught she could *not* fall from *grace;* and when under sentence at the bar of justice, fearlessly proclaimed, that though condemned here she was quite certain of her acceptance with the Almighty!

Pity and sorrow, not rebuke or comparison, are the causes of my alluding to such distressing cases; and all I wish is, to excite respect for that religious national communion, which, in connexion with sober and scriptural religion, teaches a child the way in which he should go.

Having spoken of this dreadful spirit, as exemplified at the last assizes for the county of Hants, let me call your attention to an extraordinary and consoling fact: there is no county in England, I believe, where the mode of instruction for the poor, according to the principles of the Church of England, has been more earnestly pursued than in Hampshire, and particularly in the neighborhood of Winchester. At the assizes, as the first fruits of that education, now beginning to be perceived, let me be the first to announce this cheering circumstance, for which I have the highest and most indubitable authority, that, notwithstanding the population of the county—the want of labor—the operation of the poor laws—the CALENDAR of PRISONERS has been this

[1] The populous town of Birmingham is in Warwickshire.

year LESS HEAVY than has been known for many years before. It is not so at Salisbury—on the contrary: but we may hope that very shortly, from the extended education throughout the diocese, the same happy results may be witnessed; and it will be to me a matter of joy, that the first effects of education have been visible in that county which is distinguished for those superior endowments of liberal education, which caused me to address Mr. Brougham in their vindication. How much this education is required in every part of the kingdom may be estimated from another plain fact.—In a late year of general calamitous distress in the metropolis, SIX HUNDRED and SEVENTY CHILDREN were sent into society, destitute, and they must have robbed or died, but for that excellent institution, the Society for Suppressing Mendicity, whose object is to relieve real distress and to detect imposture.

This Society was first established at Oxford and Bath, by a benevolent friend,[1] and Fellow of one of the illustrious seats of education, which has lately been so hostilely attacked.

But to return: are these men, who separate FAITH from MORALS, sincere in what they say? They must know that they *omit* what the Apostles never did. They must know, however pure their own heart and upright their intentions, the palpable inferences that are drawn, by those who make *their tempers* their bible! If they are not Antinomians, they might as well be. Some time since I thought it my duty to state this to my diocesan, and refused to nominate a curate till he solemnly engaged, having laid down the basis of Christian faith, as amply, and as deeply, and as entirely as the oracles of truth directed, to preach, add *virtue*, because St. Peter did; and, now remains "Faith, Hope, and Charity," "THESE THREE, but the GREATEST of these is Charity," because St. Paul did. I insisted also, that whatever might be his speculative notions, he should not veer from the plain and positive words that Christ died for the sins of THE WHOLE WORLD, because St. John said so.

I am happy to state that the amiable prelate to whom I wrote, entirely agreed with me; and he is himself an example, not only of constantly *joining* faith and practice in his excellent charges, but pressing the same rule on all that belong to his diocese.

If the new churches echo only to sounds, such as were heard at the opening of the new church at Frome, or the consecration of the new church in Guernsey,[2] not only this country, at the present time, but unborn generations, will have reason to bless those whose patronage led the way to the encouragement of the sober,

[1] John Duncan, Fellow of New College.

[2] By the Bishop of Glocester and Bishop of Salisbury.

scriptural, and practical christianity of the Church of England; without mystic trances, or supernatural visitations—without scholastic dogmas, or metaphysical refinements—without a sullen creed, which limits God's mercy, and without an antinomial system, which is a "Drawcansir" against cards, &c.; and a dormouse against malice or murder, and the "WORKS OF HIM" of whom certain great writers know so little!

God forbid I should attempt to confine all excellence to the Church; that would be *exclusionary* indeed. Of the great body of conscientious dissenters no one has a higher opinion than myself. I speak with respect and love of the Moravians,[1] who are second to none in adorning their profession in all things; whose moral education, whose works, at home and abroad, speak for them more than I can, though what I say, I say most warmly, having such an establishment in *my own* parish, to whose educated and Christian minister I am indebted for years of confidential intercourse. I speak with respect of all who preach so as to humble the sinner, exalt the Saviour—never omitting the fruits of the SPIRIT. Yet it were to be wished that the Methodists remembered the extraordinary confession of Wesley, "that he feared, in constant wailing for the *work*, they had paid too little attention to the *word*, of God." Of the exemplary Quakers I can only say, like the Moravians, their light shines before men; and the admirable method of instruction laid down in the visit of Mrs. Fry to the gaols, is such as every friend to morals and religion must approve.

I have said the Church of England teaches and blends with public instruction the *Ten Commandments*. What will a Christian legislator think of a great part of religious population *studiously* excluding these and the Lord's prayer? What will he think of the doctrine, that the *Ten Commandments* are utterly useless, unless God, by supernatural revelation, brings them to the heart?

A case of early and peculiar youthful depravity came before me in the last year as magistrate (for I am not yet enlightened sufficiently to think the duties of a conscientious magistrate and clergyman incompatible). Struck with the peculiar kind of hardness in the disposition of the young man who was brought before me, first for most cruelly beating his own mother, and next for a felony, I enquired of his mother how he had been instructed; she told me "when he was a child he always went with her to meeting." I knew he never heard the Lord's Prayer or the Commandments there. I asked, with mildness, whether he had heard any lesson

[1] The Moravians, indeed, strictly speaking, are NOT DISSENTERS: they ASSENT to the doctrine, form, and apostolical origin of the Church of England, as much as any one within that church.

of morality there; she said he heard the GOSPEL! and took great delight in it till about *twelve years* old! Since that time Satan had got possession of him, and she could do nothing but pray to the Lord! If the Lord did not make him better, it was no use for his father or mother to try! A married sister soon after came to speak with me, in consequence of his being committed on account of the offence, for which he was tried at the Salisbury assizes. I asked her if she had ever told him how pointedly God had said "*Thou shalt not steal?*" she seriously replied, "that, thank God, he had brought the Commandments to her heart, but it was no use to teach the Commandments unless God brought them to the heart; which, in time, God might do to the heart of her brother!"

Now, Sir, these are not particular cases, they very frequently occur in a thousand instances, and are well known among those who are conversant with a certain class of religionists. Nor do I speak in disparagement of the general character of any religious people; but I bring such facts forward to show that the mode adopted by the National Church, and pursued in the National Schools, is the best to train up a child in religious and moral duties. Far less do I wish to cast the most distant reflection on the British and Foreign Schools. Their mode of instruction is, I have no doubt, moral as well as religious; but it must be excellent indeed, if it be better than the usual mode of instruction in the Church of England: and for the beneficial effects of this instruction, I call your attention to the fact of a statement by the Archbishop of Canterbury—that not one of the youthful delinquents with which London swarms has been traced to the NATIONAL SCHOOLS!

Without making invidious comparisons, then, I would wish temperately to vindicate that mode of early instruction which has been found beneficial since almost the time of the Reformation; and of which we may judge BY ITS FRUITS. Its object is to produce not the *conceited*, and, as it is called, EXPERIMENTAL "*professor*," but the practical Christian; and the influence of the Church of England in forming amiable, exalted, and, in higher life, truly Christian characters, may be seen in such men as Nelson, Locke, Izaac Walton, Evelyn, Abraham Cowley, to say nothing of the host of its own excellent and accomplished writers, and thousands who keep the "noiseless tenor of their way," in humble life, within its pale. Although the poor laws have well-nigh palsied the heart of moral respectability and independence, even now, look at many a country village: the father, decently dressed, appears at Church, with his child by his side; or the mother, leaning over its head, with her arm upon its neck, points out the passage in the prayer book as the clergyman reads it. The very sunshine and incense of a summer Sabbath morning is not so

beautiful, and so grateful to the heart, as this spectacle! and yet the busy and distempered fanatic scatters in the church-yard his doggrel verses on the "Churchman's Sunday," to impress on the enlightened villager, that those who go to the "TOWN of MORALITY to church" will never go to heaven.[1]

I know you will not, and trust no one will, who reads this, suppose for one moment I could wish to prevent any one from worshipping God his own way. No! I only wish to show, temperately, the advantage of encouraging the schools to which not one crime has hitherto been traced, extensive as they are; that you, and those who, perhaps, think with you, would do us justice, if not show us kindness; and that that mode of early instruction should not be reviled, which a long trial of its effects has almost consecrated, which combines faith, morality, and obedience to laws, and which was imposed by those at least as wise and good as the best and the wisest of the generation in which we live.

This I am sure of, that the manufacturing districts, where the population habitually despise the clergyman, however exemplary his life and conduct, who imbibe their divinity from other instructors, are *much worse* in point of morals than those districts (which they call still in darkness), where the divinity of such books as I have mentioned, the ravings of "black dwarfs and yellow dwarfs," and even the solemn sarcasm and portentous lucubrations of the second Jeremy, have not yet reached. And I know that when the report of the Commissioners is published, the character of the clergy will be placed beyond the reach of the shafts of two-penny calumniators.

Mr. Brougham himself has cheerfully borne witness to the readiness with which they all come forward to answer queries addressed to them relating to charities, and the general attestation to, and the public confirmation of, their character, will be one of the benefits for which, Sir, the nation, and the clergy in particular, will have to thank Him.

I pray God, that when you and I shall be mouldered in the dust, the ark which enshrines, in this country, religious, moral, and social happiness, may never perish till that day, when all, whatever may be the difference of their station or talents, shall stand before their great Taskmaster!!

I am, most respectfully,
Your sincere and obedient Servant,
WM. L. BOWLES.

[1] It may, perhaps, be inferred from this, that the attachment of my own parishioners is diminished: so far, however, is this from being the case, that I have great satisfaction in having it in my power to state that my congregation is considerably more numerous than the church can, with convenience, accommodate.

POSTSCRIPT.

INTO the account of the causes of crimes must be taken, at the present moment, the want of employment, and the consequent low rate of wages. A poor man should earn *twelve* shillings a week, instead of eight. Nor can I omit the circumstance, that ten millions of acres are UNCULTIVATED in this country, and that *twelve millions* of money have gone, during the last year, to pay the laborers of *other* countries for that, which our own fields should have been made to supply.

I know the delicacy and difficulty attending any discussion of this topic; but it will be sufficient to have touched on it.

In our gaols, what appears universally to be admitted, the most necessary provisions, are, the separation and classification of criminals—constant industrious employment—religious instruction—and, if possible, some refuge or means of employment when the prisoner returns to society, lest absolute want compels him again to break the laws.

Frequency of Capital Convictions.—I was witness, this day, March 11, to eleven capital convictions. In this number were four boys, not more than 13 or 14. After judgment was passed, I went to the gaol, and *saw* them as they entered: only *one* seemed affected, and the boys absolutely laughed, saying, it was as well to laugh as cry.

All these were convinced, notwithstanding the conviction, that they should only have, what they call "seven pen'worth;" a cant expression for seven years' transportation to Botany Bay. When this communication is announced to them, it is generally received with expressions of "that is what I expected; I am very glad of it." —For myself, I profess to have no other guides of judgment than common sense and common humanity; but the prisoners know, that if, according to the law, they must be *condemned*—not two out of ten will be *hanged*, and transportation is a matter of exultation.

Transportation is even to many a *bounty*, and the condemnation to death loses its awful and most solemn effect, as the *law itself* is infinitely *more severe* than the *administration!*

Those who had been acquitted, at these assizes, were discharged, men, boys, and women together, at six o'clock in the evening; come twenty, some thirty or forty miles from home, and without a

penny. Twenty-two of the whole list were under the age of twenty.

The circumstance which I would wish to press on the attention of every humane person, is this: though only two were left for execution, seventeen persons, in the whole, were CONDEMNED at these assizes TO DEATH! Two women were put on their trial for the same offence; but as it appeared to the Judge that no possible guilt could be attached to one of them, she was taken from the bar during the trial. The scene I shall not hastily forget: I had remarked the earnest agony of this poor girl's countenance. When, during the course of the trial, she heard something mentioned about *acquittal*, her countenance was lifted up with an expression of eager and most earnest solicitude. She was doubtful whether it was possible that the humane observations of the Judge could apply to her; she leaned over, with a flush in her pale face, and spoke to the jailer; who, in a whisper, confirmed her hope. She fell down instantly insensible, and was taken from the Court in strong hysterics, from the impression of the awful scene, and the narrow escape she had. She was taken back to the prison with the other felons; and though pronounced "not guilty," detained till the Judges left town; and she was among the number of those, who, at that time in the evening, had to pass over a wild down of thirty or forty miles to their home.

I was too late to give such assistance as I should have instantly done to fellow creatures under these circumstances, nor did I know their situation till the next morning. Neither humanity, nor even the letter of the law, sanction this detention! On enquiry of the jailer concerning the girl, whose appearance was so impressive at her trial, he told me, to show the necessity of classification, that for the first eight or ten days after she came to the gaol she appeared almost *heart*-broken; but after this could talk and *swear* as well as the rest!!

Whilst we point out what appear to be the chief causes of the increased criminality of the present day, let us not forget ONE MOST MATERIAL CIRCUMSTANCE: owing to a better regulated and more active police, there are twenty *detections* of crime, at least in London, when, twenty years ago, there were not ten; and after all, if the INCREASE perceived may be owing to the greater number of offenders, some appearance of that increase may be owing to the more *vigilant activity* of the police.

Atrocious depravity.—I have been credibly informed, that when the woman who was condemned at Winchester for the murder of her husband, was brought to the place of execution, she preserved the same tone of assurance, and said, "they might do what they pleased with her, as she was one of the elect!"

These are deplorable and visible effects of a horrid spirit; but, let it not be forgotten, that though these effects are visible in a few instances, the spirit that produced them may be nursed in secret among thousands; for these things are not, and cannot be, the effect of the mere criminal disposition of those concerned, but the effect of *teaching*. Terrible as is the volcano that bursts out once in a hundred years, it is a proof of the existence of elements of combustion under the soil. Let me not be supposed as bringing such instances forward by way of "Hints to the Legislature." The spirit of evil must depart as it comes. My object is to recommend that mode of religious instruction in which, as far as human wisdom can provide, the spirit that produces these enormities does not mingle!!

Lest it might be thought that I have the least exaggerated in what I have said respecting the *religion* of this woman, I extract the following from the printed, plain, unvarnished account of her end:

"This unhappy woman, during her confinement, manifested the greatest reluctance to say any thing of the crime with which she was charged; but although she appeared fully alive to the CONSOLATIONS OF RELIGION! and evinced the GREATEST FIRMNESS even to the last moment, there is too much reason to apprehend that she was laboring under a most fatal delusion, from an opinion that having been ONCE in a STATE of GRACE, she could never finally fall!!"

Spirit of the God of Mercy! when such "fruits" appear, can any real Christian doubt for a moment the author of them? This creed is preached by thousands, and believed by tens of thousands. Many who profess this belief would tremble at the consequences; but thousands profess it, regardless of its consequences, as an axiom of religion. The fruits may be visible in one instance, but the deplorable effects may remain on the heart *without being visible*, in numberless instances This was the unction that Cromwell put to his wounded heart on his death-bed, for the murders which he committed after "*seeking the Lord!*", "*By their fruits shall* YE KNOW THEM."

I cannot avoid adding two most remarkable facts, which have come immediately under my own cognisance, respecting the immoral effects, and that mode of preaching and teaching, to which I have alluded; and at the same time to point out the effects of that mode of common education, pursued by the Church of England. Mrs. Bowles, at the place from whence this is written, has for upwards of fifteen years, (ever since I came to this preferment) been in the habits of teaching herself the poor female children of the parish, on Sundays. They all assemble after morning service

on the lawn before the house, and the improvement, which has taken place in their dress, manners, &c. is almost inconceivable, when it is considered how destitute, and ragged, and ignorant, these children appeared when we first came to the village, which has been for so many years the retired scene of my humble pastoral labors. Nearly fifty children are constantly so educated. Many of those who were taught in this manner, long before any parochial education was generally thought of, are now grown women; and I can say, with some pride, that NOT ONE, of all the number, (from forty to fifty, being every year in the course of instruction, for fifteen years) of all this number NOT ONE GIRL has turned out ill. Many are in service, and patterns of industry, honesty, and morality, as I could bring their masters and mistresses to prove; others are married. Now, mark the reverse! In the same parish, but in a distant hamlet, a girl, not yet sixteen, of the most flagitious and abandoned character, though yet so young, at fourteen years of age began this life of premature debauchery: of course she was not one of those children who ever attended my church or our school. Some time ago, she came before me as a magistrate, and I then spoke earnestly to her respecting her mode of life. I asked her, if she could read? "Yes, any chapter in the Bible." Did she ever go to church to hear any religious instruction? No! but she went to "meeting" in another parish. "Then if you have been instructed, and go to any religious place of worship, what can you say, in excuse, for being, at so early an age, so abandoned and shameless a young woman?"

She answered, with a simper, which none can conceive, unless they have witnessed that kind of pertness, which is the effect of what is called being "enlightened;" "Oh! sir, the Lord CAN turn ME, as well AS THE best, WHEN HE PLEASES!!!" Another circumstance is this:—a teacher of a village school, superintended by the amiable wife of the incumbent, went to see some friends at Reading, a town, of which it is said that if every *genus of dissent* from the apostolic age to the present, was lost and forgotten, it might there be found. This young woman went to this place for a short time, and showing on her return that kind of pertness which I have described, so different from any thing in her character before, Mrs. —— said, "I am sorry to see you so much altered." Yes, "madam," was the reply, "I hope I am; for I was in a SAD MORAL condition before!!" Whether she has recovered from this sad *moral* style, and made the best use of the time she has lost, I know not, but I have little doubt of what will follow.

IS IT IMPOSSIBLE

TO

FREE THE ATMOSPHERE

OF

LONDON

IN A VERY CONSIDERABLE DEGREE,

FROM THE

SMOKE AND DELETERIOUS VAPOURS

WITH WHICH IT IS

HOURLY IMPREGNATED?

BY W. FREND,

ACTUARY OF THE ROCK INSURANCE.

LONDON:

1819.

ON THE

SMOKE OF LONDON.

THE Smoke of London, first viewed from a distance, affords a sight which strikes a foreigner with astonishment. The inhabitants are so accustomed to it, that they cease to regard it as a matter of much inconvenience, though a box of clothes sent from the metropolis sensibly affects their country friends. In fact, the Londoner is in the situation of a man, who lives in a smoky house: he is used to it: but every one, who comes to visit him, perceives the difference between his sooty chambers and a well ventilated mansion.

There are people, who, from long habit, are not disgusted with dirt and nastiness. The Hottentot returns to his grease: but, I believe, that, if the smoky atmosphere of this great city was exchanged for a purer air, none of the inhabitants, or the occasional visitors of the metropolis, would lament the loss of their black fog. All talk of the smoky town; but they sit contented under their dense vapours, from an opinion, that the evil is incurable.

This is the case with every improvement that is suggested. A few years back, the visitors of Bedlam were assured, that it was impossible to keep the unhappy patients but by such immense locks, bolts, and chains, as shocked humanity. The very people, who were thus manacled and fettered, are now walking about at their ease in the new Bedlam, and are more tractable in consequence of the removal of these restraints. I went over this excellent institution the other day, and, on contrasting it with what I had seen

in the former mansion, could not but congratulate human nature on the modern improvements in the treatment of the greatest calamity to which it is liable. The application of the same common sense would produce similar improvements in a variety of instances.

To form a judgment of the smoke of London, a person should take a few turns on Blackfriars' Bridge, in the middle of the day, and notice the effect of the vomitories of smoke that surround him. A similar walk, at night, will point out more strongly the defect in their construction, when he perceives, from many of them, volumes of flame issuing forth, as from so many volcanoes. If he takes his morning walk in the middle of summer, the contrast between the smoke from the furnaces, and from the ordinary fires, will be particularly striking. I conjecture, that the smoke, occasioned by a vast variety of manufactories, forges, glass-houses, &c., is at least three times as great as that proceeding from all the chimneys for family use: and it is to be recollected, that from some of these furnaces issue forth matter of a most deleterious nature.

On the mischief arising from noxious vapours, the medical men are the best judges; but it is somewhat remarkable, that so little attention is paid to this subject by the Legislature. Within these few years, an instance occurred, which brought it forcibly within my notice. There was a small green lane near me, which I used to frequent as a walk before breakfast. Soon after I had discovered this little walk, preparations were made for building, and in a short time two spacious erections appeared, both furnished with furnaces, the chimneys of which were not carried ten feet above the roof. One of them was applied to the smelting of lead, the other to the melting, I think, of iron. In a short time proceeded the usual appearances of such works, and the air was proportionably infected. A great road, which promises to be one of the most considerable thoroughfares in London, has lately been made near this place; and, when the wind is favorable, the pale whitish smoke from the lead manufacture is sensibly felt by those, whom business or pleasure carries that way. On the erection of these buildings, I could not help pointing out to the owner the high chimney of the great manufacture near the Asylum, and with what advantage, both to himself and to the public, the very meritorious engineer, the owner of them, had constructed his works. But how could it be expected, that such an expense should be incurred, since the public did not require it? and all that was wanted, in this instance, was a common blast furnace, whose smoke, when it reached the top of the works, was of no farther concern to the owner.

Common sense ought to have instructed us, that an individual, who makes a fortune by his works, ought to take care, that it should be done at the least inconvenience to his neighbours. But,

in the case of the great works in and about London, this principle is almost entirely neglected. A man, for example, erects a brewhouse upon a small scale: his business extends, and with it his works gradually increase, so that what was at first scarcely felt now becomes a nuisance to a very great extent, and a volume of smoke is emitted, which is felt in magnificent houses at a very considerable distance from his brewery.

It will be asked, how can this be remedied? To this may be replied, let a man on Blackfriars' Bridge look around him, and observe the state of the different manufactories. He will see from one a large column of smoke, driving before the wind, scarcely impaired, to a great distance; and from another a much smaller column, much sooner dissipated, and yet, perhaps, the coals consumed in the latter are ten times as much as in the former. Whence, then, is this difference? It is in the height of the chimneys; and common sense, therefore, points out, that the height of the chimneys should bear some proportion to the quantity of coals consumed in the furnaces beneath them.

It is possible to contrive it so, that the column of smoke proceeding from the greatest vomitory in the metropolis, shall not exceed that from a common kitchen chimney. To do this, it is necessary only to have a proportionate length of chimney. Suppose a brewhouse to be constructed in a square, the sides being a hundred feet in length, and the height of the building to be seventy feet. Let the furnace be near one of the sides, communicating its smoke to a chimney, inclosed at top, twelve feet square at the bottom, and decreasing in dimensions to half the height of the building. At half of the height of this chimney let there be two apertures, one on each side, and a flue from each to run round the building till it comes to the top. Supposing each to make a complete turn, its smoke must pass through above four hundred feet, and let it then pass through the vent at the top, thirty feet high. Thus the column, which now bursts forth in such a torrent, will be diminished more than one half at the lower aperture of the flues, and each separate column thus formed will be diminished in a very great proportion by the quantity of space it has to go over. This quantity will be greatly diminished by chambers being formed at each corner of the building, similar to that of the chimney first erected; and, besides, instead of coming out at top at one hole, the upper chimney may be so contrived, that there shall be several apertures, and the smoke at last will be speedily diluted with the common air.

This it will be said is all very good in theory, but it will not do in practice. I went over, a few years ago, the works of some celebrated mines in the North. They give support to a considerable population in the neighbouring village. This population had been

subjected to much disease from the effluvia of the lead in its processes of smelting. The proprietors made an alteration in their works. Their vast furnaces were now so constructed, that the smoke from them was conveyed to a common chimney, and this chimney was constructed under ground in the rising hill, the vent being at a considerable distance from the works. The consequence was, that a vast quantity of deleterious matter was retained in the chimney, and afforded an annual rent to the proprietors: and what came out at last was at such a distance from the workmen, that it could not produce any injurious effects to their health. The village now performs its daily task with alacrity; and, I believe, that that which used formerly to be so dangerous an occupation, is now more innocent than a vast variety of employments in the metropolis.

I lay it down, then, as a position, that the smoke, emitted by the vomitories, may be greatly reduced in quantity; that the expense of doing it is trifling in comparison of the profits of the works; and that the Legislature will not be ill employed in taking such measures as shall secure the public from its present nuisance.

If it is desirable that the trial should be made, the first thing seems to be, to enquire into the present state of the buildings employing furnaces, comparing each with the other, according to the quantity of coal consumed; to examine into the expense that would be incurred by conducting the smoke in the manner above recommended, or something similar to it, according to the nature of the works; to ascertain, whether the proprietors of old works should be put wholly to this expense, or be indemnified in part by the public; and, lastly, to prevent any new works, unless on regulations adopted on the principle, that a furnace should not be permitted to emit more smoke than a common chimney. If the last principle is adopted, the erection of a very extensive manufactory will not produce a hundredth part of the smoke that would be occasioned by ordinary houses, built on the same extent of ground.

These hints are thrown out with a view of exciting some persons to take this matter into consideration. A few copies only have been printed for the use of the writer's friends, and for some members of the Legislature, to whom he has taken the liberty of submitting them. They are merely hints; but, if a Committee of the Legislature should be appointed to examine this subject, he has no doubt, that the light, thrown upon it by engineers and manufacturers, will show, that the diminution of the smoke of London will be highly beneficial, both to the proprietors of works and to the public.

W. FREND.

OSSIANA;

OR

FINGAL

ASCERTAINED AND TRACED

IN ULSTER;

BY THE ANALOGY OF NAMES AND

PLACES MENTIONED IN OSSIAN'S POEMS.

By HUGH Y. CAMPBELL, Esq. R.N. F.A.S.

AUTHOR OF "THE COUNTESS OF CARRICK."

"Though the plains of our battles are dark and silent, and our fame is in the four grey stones; yet the voice of Ossian has been heard, and the harp was strung in Selma."——Berrathon.

LONDON:

1819.

NOTE.

In a work like this, purporting to be descriptive of only a small tract of country, frequently alluded to in various forms, by the poet, it is scarcely possible to avoid a sort of tautology while speaking of the different manners in which the scenes are noticed: at the same time to arrange the following citations and remarks under separate heads, would require more time than the author can well bestow on the subject: besides, he thinks that it would be no furtherance of his object, but on the contrary tend to divest them of a portion of their strength and argument. Were it possible to trace Fingal, and his son, with that precision that we can the hero of the Æneid from his setting out from Troy to his landing in Italy; then, indeed, we might insist upon order of time in the quotations; but every reader of Ossian's Poems is aware that their unison will by no means answer the purpose of such uniformity; for in one page the hero is bounding over the waves to Lochlin, and in the next, at the feast of shells in Morven, or in battles of the spear on Lena. The interim often unaccounted for.

It is now for me to add, that this work, trifling as it may seem, has cost me more exercise of intellect, than a work ten times larger has done, which is now before the *Public*.

London, May, 1819.

To my Noble Friend,

THE RIGHT HONORABLE JOHN CAMPBELL,

Earl of Breadalbane,

&c. &c. &c.

The following proofs of the existence of the Bard of our forefathers, which have so long been a desideratum in British literature, are respectfully inscribed by,

my Lord,
your Lordship's most obedient,
and very humble Servant,
HUGH Y. CAMPBELL.

London, May 26th, 1819.

OSSIANA,

&c. &c.

As the celebrated Lord Kames, and Doctors Blair and Whittaker, have employed their time in attempting to ascertain the existence and æra of Ossian, and have by no means succeeded; so, in a collateral walk, I beg leave to lay some brief observations and remarks before the public; which, after a considerable portion of investigation, I have been enabled to make on the Battle Fields of Fingal in Ireland.

Although in the remarks I am often led to offer my opinion from analogy of names of places, &c. yet I will be answerable for the correctness of any observations I have made on the face of the country, during my brief tour, and in the following enquiry. I have only to regret, that the many similitudes and allusions, which I have quoted to strengthen my conjectures, are unarranged in due order of time. To answer my purpose, I was led to cite many in a desultory manner, as I met them in my progress through the books of Fingal, Death of Cuchullin, Temora, &c. the only ones in which any mention is made of Ireland.

After a lapse of sixteen hundred years, it is an acknowledged difficult task to come to any correct determination on the identical places mentioned by Ossian, as frequented by rude warriors, wholly unacquainted with the arts and sciences—at least, by people who have left but few conspicuous monuments of their battles and victories after them, farther than a few rough stones, often in the way of the plough; and, consequently, liable to be removed at the will of the agriculturist.

Difficult, however, as the task may seem, I have several years considered it capable of being accomplished partly, if not wholly; but from boyhood I have been unremittingly employed in the service of my country; hence my wishes to attempt the discovery of

Fingal's Battle Fields have been hitherto thwarted, and the attempt consequently delayed.

In unison with my early established wish to know the fields of heroes, I lately proceeded to Ireland, and there commenced a laborious observation on the situation, and an enquiry into the names of the districts, of that part of Ulster, which lies opposite to the coast of Scotland; where I was so far fortunate as soon to discover what I considered a key to the wished for object; but this was not easily ascertained.

Every reader of history is acquainted with the actions of the protector, Cromwell, in Ulster, and his more than retaliation of the cruelties of the Papists on the Protestants. His laying Ulster waste, by killing, or driving the Catholics to the south and west of Ireland, and planting the north with colonies from England and Scotland, have almost effectually shut out from the enquirer after antiquities, a great portion of the traditional information which he might otherwise have obtained from the descendants of the Aborigines.

Now, as I found many of the best informed people in Ulster, wholly unacquainted with the original names of places in the neighbourhood of the then only imaginary scenes of Fingal's actions in that province; and, as history is almost [1] silent on the battles fought by the invincible king of Morven, in favor of his kinsman of the race of Connor; so we may conclude, that the analogy of the places mentioned by Ossian, and the similarity of a few names, aided by the locality and trifling remains of ancient magnificence and warfare, can only enable us to come to any reasonable conclusion on the identical fields of battles, fought by the kings of Erin, Lochlin and Morven.

I have farther to observe, that, as this work originated in mine own mind, and as in it I fearlessly oppose Rocks, Mountains, Rivers, Lakes, and Heaths to the vague and chimerical assertions brought forward by bigotted sticklers for and against the authenticity of Ossian; and as it has been matured by considerable trouble, expense and research, so I deny having received the slightest assistance from any author or from any work—the whole has emanated from mine own industry, and the elegant description of the first of British Bards, whom I shall here, feebly, perhaps attempt to authenticate!

Having thus premised, I now proceed to offer my observations to the public; and to crave that indulgence which such an apparent *outré* proceeding requires.

[1] The trifling analogy of some parts of the Poem, alone show us that the Emperor Caracalla lived about this period; but I know of no Roman writer who notices any of the exploits sung by Ossian.

Bating the fanciful assertions of the Irish historians, Keating and O'Flaherty, which have been long since rendered nugatory, we find that the frequent descents of Fingal on the coast of Ireland, were wholly occasioned by the distress and wants of his kinsman, the king of Ulster, or of Ireland, by the following descent.

Trenmor, the great-grandfather of Fingal, had two sons; Trathal, the grandfather of Fingal; and Connor, called by the bards, Connor the Great. He was elected king of all Ireland, [1] and was the ancestor of that Cormac who sat on the Irish throne, when Swaran, king of Norway, invaded Ireland.

The principal residence of this race of monarchs, we find, was at Te-mora in Ulster! This Te-mora, Ossian tells us, was at the foot of the hill of Mora, which rose near the borders of the heath of Moi-lena, near the mountain Cromla.

Before I can offer my observations on Te-mora, I find it necessary to go back to the coast of Ulster. We are often told by the royal bard, that he rushed into Carmona's bay, [2] and into Tura's bay; thence we see frequent allusions to Cromla, Lena, and the lake of reedy Lego; all, apparently, in the neighbourhood of these two places. This account of the poet makes the Carmona of the ancients, the Pisgah whence I have discovered the land promised to my exertions by hope.

There is no difficulty whatever in ascertaining the ancient Carmona to be the modern Carmony. It stands on the hill, a little from the shore, between Carrickfergus and Belfast—which Carrickfergus, there is not the slightest doubt in my mind, was the Tura of the ancients; but of Tura more hereafter. Here commences that range of hills, which in the poems I take to have been called *Lena* with Cromleach, (*i. e.* high hill in the centre) that extend in a south-west direction; and after running as the

[1] I would here observe, that the election of Connor to the supreme government of Ireland, (which makes such a conspicuous place in one of the notes to the poems of Ossian) appears to have never been acknowledged by the native hereditary princes of that country; and that it required all the assistance of his friends of Morven, united to the exertions of his adhering subjects, to retain for himself and race, the small portion of Ulster, which the map will show you bounded on the east and west by the rivers Legon and Banu, and on the north and south by Lochneagh, and the Irish Sea. If such an election took place, it is but natural to imagine that it was dictated by the wants of some puisne prince, whose power or right was doubted by his neighbouring chieftains; and, consequently, like the later case, that called Strongbow, Earl of Pembroke, to Ireland; and ultimately vested the lordship of that excellent island in the hands of the English monarch.

[2] Carmona's Bay (i. e. Bay of dark brown hills) an arm of the Sea in the neighbourhood of Selma. This powerfully supports my opinion noted in the appendix, that the white house between Belfast and Carrickfergus and on the shore below Carmona, is the Selma of Ossian.

boundary of the extensive and fertile valley of Ulster, through which flows the river Legon, (reedy Lego,) the range terminates above Loehneagh, (lake of Roes,) at, or near, a place now called Cromlin, from the ancient Cromleach!

The part of the range, however, which the bard calls Misty Cromla, I take to be that high hill of lime-stone, which stands between Carmona and Belfast: that from three large and beautiful caves cut in the face of the rock or mountain, is now called Cave-hill; and, at different seasons of the year, a place much frequented by the inhabitants of Belfast. The address to the Druid occurred to my memory on visiting two of these celebrated and beautiful caves, (the third being unapproachable;) "Why, son of the cave of the rock," &c. I may here observe, that those caves were certainly places of shelter and worship to the early inhabitants of these countries.

In the first book of Fingal, we find Cuchullin[1] sitting by the wall of Tura, (a castle on the coast of Ulster,) his spear leaned against the mossy rock, while the other chiefs had gone on a hunting party to Cromla, a neighbouring hill. Now as the analogy of the scenes had almost clearly expressed the Cave-hill of the moderns, to have been the Cromla of the ancients; so it is only natural to imagine, that this castle of Tura, alluded to on the coast of Ulster, is the Carrick, or by some Craig-fergus castle of our times: of which, like Dundonald castle, in Ayrshire, there are no authentic records when it was built! From the celebrated hill of Cromla, Carrickfergus castle is only about four miles distant; and it is situated on a rock on the shore, in which is a spacious cave, and opposite to Scotland, consequently the most likely place to effect a landing from that country: being bounded on either side by a fine sandy beach, and in the immediate neighbourhood of Temora, the royal residence.

To know that Carrickfergus castle has no rival in antiquity on the coast of Ulster, or rather I should say, on the coast of Ireland, is an almost indubitable proof that the Tura of the ancients is the very spot now known by that name! To infer otherwise, I think from consistent analogy, would be a perversion of reason, and a mark of injustice to the manes of the royal bard.

Having thus briefly ascertained Tura, Cromla, Lena, &c. we read that the river Lubar ran between Cromla and the hill of

[1] By the noun Cromleuch, the ancients seem to have understood a place of Druidical worship, which was generally performed in the most solemn, grand and imposing places. Hence I think the magnitude of the Cave-hill, with its grand and solemn scenery and silent caves, go far to affirm that it was a place sacred to the devotion of our ancestors.

Mora; at whose western foot was the royal residence, Te-moral.[1] From many local allusions, I am disposed to think that there cannot be a doubt as to the hill of Tardree, and Cairn-ærie, having been the Mora of the ancients.

Indeed there is no other hill of any note in the neighbourhood! Hence, on proceeding to the foot of Cairn-ærie, and Tardree, I discovered the mossy ruins of a time-worn castle of extensive dimensions, at the ancient city of Connor; which, your map will show you, is nearly in the centre of the county of Antrim. Here the beautiful lines of the classical Irishmen, Messrs. Moore and Phillips, have their full sway over the imagination.—

"Ah! dark are the halls where your ancestors revell'd,
And mute is the harp that enliven'd the day:
The tow'rs that they dwelt in are awfully levell'd—
The signs of their greatness are sunk in decay!

Oh, Tara! but 'twas fair to see
Thy court's assembled majesty!
All that man deems great or grand,
All that God made fair;
The holy seers, the minstrel band,
Heroes bright, and ladies bland,
Around the monarchs of the land,
Were mingled there!

Art thou the festal hall of state,
Where once the lovely and the great,
The stars of peace, the swords of honour,
Cheer'd by the ever gracious eye
Of Erin's native majesty
Glitter'd a golden galaxy,
Around thee, great O'Connor!
And did these sacred ivy walls
Once glare with gorgeous tapestry?
And did these mute and grass-grown halls
Once ring with regal minstrelsy?
Chill is the court where the chief of the hills
Feasted the lord and the vassal,
And winter fills with its thousand rills
The pride of O'Connor's castle.[2]

[1] The house of the great King.
[2] Vide the "Emerald Isle."

The many remains of antiquity in this neighbourhood, such as ruins, caves, stones, &c. render Connor almost beyond a doubt, the Temorah, Teamrah, or Tara of the ancients. It is situate about twelve miles west of Carrickfergus, and nearly in the angle formed by Lochneagh and the river Bann to the east, and a short distance from Kellswater, a tributary of the Bann. There is a tradition extant, that this was the residence of a King Connor, who left it his name: hence, I am bold to assert, that the whole scenery agrees as perfectly in every point with the description of Ossian, as the scenery around Loch Catrine does to the elegant description of Mr. Scott.

Many are the allusions which the poet makes to Connor (Temora), to cite all of which would be loss of time; but I shall here remark, from what I have discovered, that the poet and his father appear to have never penetrated into Ireland, and that their progress seems to have been no farther than the fields of battle; which, during Fingal's life, were generally in the vicinity of Connor—in consequence of the enemy, whether of the Belgae, or of Lochlin, wishing, nay, attempting, to dethrone his young friend, the minor king, Cormac, whose wants required and occasioned the frequent descents of Fingal on Ireland; and, I infer from the poems, that immediately after he had defeated the enemies of the young king, or restored peace by treaty, he found it necessary, from his wars with the Romans, Scandinavians, &c. to return to Morven.[1]

I have farther to remark with respect to Connor, that when Edward Bruce assumed the sovereignty of Ireland, in 1316, he found it necessary to reduce that city, which is reported to have been very strong at the time of his invasion, and a place where he found as powerful, though not so fatal, a resistance as he did at Dundalk!—The castle of the kings was even then in ruins, a proof of their antiquity. I have often visited them, and the walls appear to be coeval with Carrickfergus castle, but only a few feet above the surface. Should any doubts be entertained as to the certainty of this castle having been the residence of some of the early potentates of this country, might we not also doubt the ruins shown at Dunscaith in the Isle of Sky, and the stone to which Cuchullin is said to have fastened his dog Luath, which few have ventured to deny?—If one has the least foundation in truth, the other is more than equally founded. Connor was a place of such note in the days of St. Patrick, that the apostle ordered an abbey, (whose ruins are still standing) and several

[1] This goes far to annul the generally received opinion, in Ireland, that Fingal was a native of that country.

other religious houses to be erected there. It has ever since been a conspicuous place in the church history of Ireland; and is, I believe, both a Catholic and Protestant bishop's see: at least, it is reported to have been the former, in the reign of the eighth Henry; and is now joined to Down, as a Protestant see, though there is but one family of the church of England resident in the parish—For so effectual were the plans of Cromwell for exterminating the Catholics, that this parish, formerly the capital seat of Catholicism in the north of Ireland, contains only a few Catholic families, and they, I understand, returned to it at the restoration; the majority being Presbyterians of the established kirk of Scotland.

Having thus briefly noted Connor, and ascertained it to be the celebrated Te-mora, I venture to quote a few passages from the poems, that tend to elucidate and confirm the other places, which I have mentioned, the identical ones that I hold them out to be.

As we proceed in the first book of Fingal, we find many beautiful allusions made to Cromla, as being in the immediate neighbourhood of Lena, the scene of action of that poem. And from the striking appearance of its romantic scenery, and the frequency of mists on its summit, (mentioned by Ossian,) at particular seasons of the year, we may safely conjecture that it held a conspicuous place in the mind of the illustrious poet, which we find to have been fondly stored with all that is grand in nature, and sublime in thought.

To know that Cromla is on the range of hills called Lena, and make one part ascertain the other, we have only to look at the Poet's own description: "Unequal bursts the song of battle. Rocky Cromla echoes round. On Lena's dusky heath they stand like mist that shades the hills of autumn, when broken and dark it settles high and lifts its head to heaven.' Here the most incredulous of my system will see that the warriors on Lena's dusky heath shouted so loud in battle, that Cromla echoed around; a proof at least of its vicinity to the heath of Lena.

Nathos, nephew of Cuchullin, tells his Darthula, "I remember thy words on Etha when my sails began to rise; when I spread them towards Ullin (Ulster;) towards the mossy wall of Tura, (Carrickfergus)." Again he says, "I came to Tura's bay; but the halls of Tura were silent!"

The many allusions made to Tura only tend to place beyond doubts, the natural conjecture that one is apt to conceive on looking at the corresponding positions of Morven and of Tura, and prove to us that it is the very spot known as Carrickfergus. Duchomar [1]

[1] Black—well-made man.

came to Tura's cave, and spoke to the lovely Morna: "Morna,[1] fairest among women, lovely daughter of Cormac-Cairbar, why in the circle of stones? in the cave of the rock alone? The stream murmurs hoarsely: the old trees groan in the wind. The lake (Belfast loch) is troubled before thee; and dark are the clouds of the sky. But thou art like snow on the heath, and thy hair is like the mist of Cromla; thy breasts are like two smooth rocks seen from Branno of the streams! Thy arms like two white pillars in the hall of the mighty Fingal."

In the second book of Fingal we find Carril the Bard animating the troops of Cuchullin to courage, as follows, in the coming battle, in which the ghost of Crugal had foretold the defeat of the Irish army. "Where, said Carril, is the fallen Crugal? He lies forgot on earth; the hall of shells is silent. Sad is the spouse of Crugal! She is a stranger in the hall of her grief. But who is she that flies before the ranks of the foe? It is Degrena, (sunbeam) lovely fairy, the spouse of fallen Crugal! Her hair is on the wind behind. Her eye is red; her voice is shrill. Pale, empty is thy Crugal now. His form is in the cave of the hill." Here the poet most happily incites the army to revenge, by conjuring up the appearance of a lovely woman in distress—the unprotected widow of one of their chieftains, who had fallen in the preceding battle, on the heath of Lena—whose ghost, he told them in conclusion, was then in the cave of the hill—Cromla, no doubt—near which they were then engaged. I might farther strengthen my conjecture, and give it to the world in reality! While Fingal and his gallant sons were arranging the order of the coming battle with Swaran, "Cuchullin from the *cave of Cromla* heard the noise of the troubled war."—It is unnecessary to go farther: he must indeed be hard of belief who would require any more proofs of the Cave-hill being the Cromleach of Ossian. The landscape from the second cave is decidedly one of the finest in nature.

The Branno of the streams, I infer, was an allusion to the seat of the chieftain of that name on the banks of the Legon, whose daughter, Everallin, became wife of Ossian, and mother of Oscar. Could the poet here allude to the charms of his amiable consort, whom he bore from Branno of the streams? Her goodness, I infer from his songs, retained the most affectionate hold of his memory, long after she and her valiant son had mouldered into dust. The elegant compliment which the feeling poet puts in the mouth of the young aspiring warrior, Nathos, resembles one in the Canticles—but I am not criticising.

[1] A woman beloved by all.

The principal battles which Fingal fought with the Norwegians, native Irish, &c. were all in the neighbourhood of Connor! Between Lochneagh (Lake of Roes,) and ridgy Cromla, and all round the intermediate space, by Connor, Mora, and on to Carmona; it is almost impossible to walk twenty minutes without observing some rude marks of the warfare of those times. I have penetrated a large and beautiful cave in the neighbourhood of Connor, which is capable of holding two or three hundred persons. It is divided into two apartments, and covered over head with long flat stones of granite.

Innumerable are the four grey stones, (the graves of the illustrious dead) which one discovers while travelling among these hills. There are also several moats or forths around Connor: one of the former, is in as great a state of preservation as the one at Carnwath in Lanarkshire! These moats and forths I take to have been thrown up to answer the purpose of hills, for watch stations in a level country, and to kindle fires on, when the approach of an enemy renders such signals necessary. Some antiquaries, however, have observed, that they were seats of justice, where the chieftain exercised his judicial power; but, in Ireland, particularly the level parts of Ulster, there are more forths than there could have been chieftains, allowing at the rate of two or three forths for each extent of country equal to a modern sized estate. And I may farther observe, that I have traced a chain of these artificial eminences through a level part of country, and generally found them at signal distances from each other, and their termination at the foot of a commanding hill. A proof that their origin was in the want of natural signal stations for the early inhabitants of the country.

The Moi-Lena mentioned so frequently by Ossian, is the low-lying country or plain between Lena and Mora, and through it runs the Lubar, or Six Mile Water, into Lochneagh. This river rises in one of the hills attached to the chain of Mora, and may have been the one called by the bard Crommal. The little river Lavath, as in the days of Ossian, "rolls behind it in the still vale of Deer;" and near its banks the Marquis of Donegal has lately erected a beautiful villa called Fisherwic.

In one of the last battles fought by Fingal in Ireland he is poetically made to animate his sons to battle in the following noble, just, and energetic manner. "Lift up Gaul, the shield before him. Stretch, Dermid Lemora's spear. Be thy voice in his ear, O Carril, with the deeds of his fathers. Lead him to green *Moi-Lena*, to the dusky fields of ghosts: for there I fall forward in battle, in the folds of war. Before dun night descends, come to high Dunmora's top. Look from the grey skirts of mist on Lena of the streams. If

there my standard shall float on wind over Lubar's gleaming stream, then has not Fingal failed in the last of his fields." Here is a beautiful harmony of consistency, tending in the most convincing manner to bear out my conjectures of the relative scites of most of the prominent objects alluded to by Ossian.

Fingal is on the eve of an engagement on green Moi-Lena, and desires the band to go to the top of Dunmora (i. e. hill of Mora) the highest, excepting Cromla (Cave-hill) of all the ridge of Lena. Whence he is desired to look, before night comes down, on Lena of the streams, (the caves lay pent I presume) and see if he could observe the signal of Fingal's victory—the hero's standard floating on wind over Lubar's gleaming stream. Dunmora is about eight miles south-west of the Cave-hill, and overlooks Loughneagh, and consequently Moi-Lena and Lubar.

I have yet to add, that Moi-Lena, or the plain country, verging from the hill and heath of Lena towards Loughneagh, is known at this day by the same appellation, which the poet gave it sixteen hundred years ago. The descendants of the Aborigines who were under the chieftain of Cromla (the highest part of Lena) appear to have given the name of Cromlin to a neighbouring village, where they were settled so lately as the time of Elizabeth. It is about seven miles south from Connor; Te-mora.

"In other days," said Carril the bard, "came the sons of Ocean to Erin. A thousand ships bounded over the waves to Ullin's (Ulster's) lovely plains! The sons of Inisfail (Ireland,) arose to meet the race of dark brown shields. On Lubar's grassy banks they fought, and Grudar, like a sun-beam fell by the hand of the fierce Cairbar. Cairbar came to the vale of the echoing Tura (Carrickfergus,) where Brassolis (white breast,) fairest of his sisters, all alone raised the song of grief. She sung of the actions of Grudar, the youth of her secret soul. She mourned him in the field of blood, but still she hoped for his return.

"Her white bosom is seen from her robe, as the moon from the clouds of the night. Her voice was softer than the harp to raise the song of grief. Her soul was fixed on Grudar: the secret sigh of her soul was his. When shalt thou come in thine arms, thou mighty of the war? 'Take, Brassolis,' said Cairbar, 'this shield of blood. Fix it on high within my hall, the armour of my foe!' Her soft heart beat high against her side. Distracted, pale she flew; she found her youth in all his blood! She died on Cromla's heath!" Over this heath the unfortunate maiden had necessarily to pass on her way from (Carrickfergus) Tura to the Lubar Six Mile Water which bounds the heath to the west towards the foot of the range of Mora hills. The termination of

this melancholy episode, when compared with its commencement, "On Lubar's grassy banks they fought," &c. tells us that the Lubar alluded to, is no other than the Six Mile Water which rises in the northern end of ridgy Cromla, and after running through the beautiful vallies between Mora and Lena, and passing Templepatrick, (the elegant seat of Lord Templetown) falls into Lochneagh, near Antrim.

Brassolis could not have found her lover on any other grassy stream than the Six Mile Water, in the neighbourhood of Tura (Carrickfergus) and of Mora.

In the fourth book of Fingal, Ossian farther tells Malvina, "Now on Lena's heath the voice of music died away, the inconstant blast blew hard, and the high oak shook its leaves around me. Of Everallin were my thoughts, when she, in all the light of beauty, and her blue eyes streaming in tears, stood before my sight, and spoke with feeble voice, 'O, Ossian, rise, and save my son! Save Oscar, chief of men! Near the red oak of Lubar's stream, he fights with Lochlin's sons!' I called him like a distant stream, 'My son return, no longer pursue the foe over Lena!'"

When Starno ironically orders the beautiful Agandecca to be brought to her lovely king of Morven, "she came with the red eye of tears. She came with the loose raven locks. Her white breast heaved with sighs, like the foam of the streamy Lubar."

These descriptions clearly affirm the Six Mile Water to have been the Lubar of Ossian—while the coupling of Lena and Lubar portrays in the clearest manner the scite of both objects!

The advice which Connel gives Cuchullin after his affecting interview with the ghost of Crugal, brings forth a beautiful allusion to the Cave-hill (Cromla,) which is the highest all round Connor, Te-mora! After Cuchullin tells Connel to strike the shield of Caithbat, and assemble the warriors of Erin to battle, the poet sings: "High Cromla's head of clouds is grey. The morning trembles on the half enlightened ocean. The blue grey mist swims slowly by, and hides the sons of Inisfail (Ireland.)" Here Ossian almost distinctly tells us, that the camp of Cuchullin was at, or near, the scite of Carmona——Hence the poet's assertion—"We rushed into Carmona's Bay" (to embark for Scotland) equally applicable, I think, to disembark from that country; as the rushing of men and the rushing of ships or boats into a bay, though not strictly correct, has some affinity, being the nearest sea-port to the camp on Lena, and the capital Connor, another proof of my former assertion, that Cromla is on the ridge of Lena! and here I cannot avoid expressing surprise at the astonishing regularity and consistency throughout the poems, and the additional credit due to their authenticity

from every lover of literature when he reflects on the justness and elegance, the uniformity and sublimity they possess after passing through the memories of uncultivated men for the space of sixteen hundred years!—But of Carmona—

From this position the poet, on hearing the *reveillé* of the army, at the dawn of day, naturally cast his eyes towards the sea, in hopes of observing the enemy advancing. Thence turning from the half enlightened ocean to the right, his eyes were instantly cheered with the head of his favorite Cromla, covered with the grey clouds of the morning. I have risen at the dawn several mornings in the month of June, and have invariably observed the head of Cromla covered with a grey mist a considerable time after all the other hills were clear of the remains of night, so truly and elegantly described by Ossian. Again, "morning is grey on Cromla; the sons of the sea ascend." Their fleet might have been anchored on any part of the shore of Belfast Loch, or Carmona's bay, and yet the army would have to ascend Cromla's ridge, to approach the capital Connor, or its defenders, the Irish army under the gallant Cuchullin. It appears here beyond a doubt that the general and his forces were encamped on the hill of Lena in the neighbourhood of Carmona, for the purpose of protecting the capital Connor, where was the minor king, whose right in Ireland appears to have been productive of hereditary quarrels and dissensions, alike with Norwegians and native Irish princes. It may not be unworthy of remark that Connor lies beyond a second ridge of hills from the bay of Carrickfergus: between the former, and the one on which Cuchullin was encamped, runs the river Lubar. This goes far to establish the preceding conjectures.

After the battle is over, in which the Irish tribes under Cuchullin were defeated by Swaran, who with the defeated warriors beheld the fleet of Fingal entering the bay, Carrickfergus, no doubt, the conquered hero drags his long spear behind him, mourns his fallen friends, and bending sad and slow sinks into Cromla's wood; for he feared the face of Fingal, which was wont to meet him with smiles from the fields of renown.

Again, when Fingal landed in Tura's bay, his noble son makes him exclaim: "The battle is over! Sad is the *heath of Lena*, and mournful the *oaks on Cromla!*" A most convincing proof that my conjectures founded on analogy are strictly correct; for the proximity of Cromla and Lena to Tura at once enabled Fingal to judge of the fate of his defeated friends. Indeed in all the poems in which the royal bard speaks of Ireland, we observe that Cromla, Lena, Lego, and Lubar, supply similes, shelter, battle fields and hunting to Fingal, and a haven for his shipping! This is partly

accounted for, by the extent of the ridge of hills, Cromla and Lena lying between Carrickfergus Bay and the capital Connor. On the coast of that arm of the sea, friends and foes from Lochlin and Morven, invariably made good their landing. And, as the part of Lena, towards Carrickfergus, was a commanding martial situation, so it was but natural for the allies of the house of Connor, to seize hold of it, to better keep the royal residence inviolate. Hence, if I might be allowed to offer my humble opinion of martial positions, it was for that purpose one of the most judicious situations that could have been chosen in the neighbourhood of the capital, then threatened by such a powerful and dangerous enemy, as the Scandinavians had repeatedly proved themselves to our early islanders.

After the battle in which Fingal conquered and bound Swaran, king of Lochlin, Gaul and Ossian were left in charge of the royal prisoner, and sat with him on the soft green banks of Lubar. Ossian touched the harp to please the king; but gloomy was his brow. He rolled his red eye towards Lena. The hero mourned his host. Ossian raised his eyes to Cromla's brow. He saw the son of generous Semo; sad and slow he retired from his hill towards the lonely cave of Tura.

From this description we gather sufficiently descriptive and explanatory evidence to convince a world of opposition, and realise and place beyond doubt what I was once disposed to consider as only probable.

The passage to me, thus explains itself:—Swaran on the banks of the Six Mile Water, in all the distress of mind natural to a person defeated, rolled his red eye towards Lena; to that part of the range, no doubt, between Carmona and Carrickfergus: and it occurs to me that he looked in that direction, from the following causes: First, he was there defeated. His home and friends lay beyond it, as did his fleet now possessed by Fingal. These, with his captivity, were sufficient to excite those melancholy ideas which Ossian has introduced in the happiest manner; for the description appears to me to be wound up to a climax of harmony and poetical beauty; while the delicacy on the part of the bard is so conspicuously feeling, that I cannot avoid observing, that to better enable Swaran to shed the tear unobserved, from his red eye, he turned towards Cromla (that was sideways from the king) and while looking upon that favorite object, his active mind experienced a rapid transition by the delicacy and generous feelings for the defeated Swaran, to an amiable regret and sympathy for his unfortunate friend Cuchullin, who he saw retiring sad and slow from his hill! Such conduct was every way compatible with the first of British bards.

To assist my conjecture of the strength of Lena as a judicious

position, we read that, when the King of the Belgæ meditated an attack on Connor, for the purpose of dethroning the young prince, he found it necessary to approach that city by the valley of Ulster, through which flows the Legon (reedy Lego); for had he attempted to go to it by the western side of Lochneagh, he would have found it impossible for his army to have crossed the river Bann, (the outlet of Lochneagh) a beautiful, rapid and nagivable river, larger and deeper than the Thames at London; and I believe at no place fordable from the lake of Roes (Lochneagh), to the Leap of Coleraine. This conjecture is fully confirmed by the march of Torlath (a chieftain of Connaught) to dethrone the young king. The attack on the young kinsman of Fingal may be seen in the poem, "The Death of Cuchullin." That hero, commanding the forces of the young Cormac, gallantly marched against the invading, ambitious prince, and came up with him at the lake of Legon, which I take to be that part of the Legon river that spread out a little above where Belfast now stands—a place which, there can be no doubt, was covered with water at no very remote period. This gallant advance of Cuchullin from the neighbourhood of Connor, and the young king, his ward, was judiciously turning the battle to a distance from the royal residence, and putting the king out of the power of being annoyed, or dethroned in consequence of any casual advantage the enemy might acquire over his general, Cuchullin, in the absence of Fingal—who, we are to understand, was then hourly expected to his assistance. And, in my opinion, this manœuvre proved Cuchullin to be not only a brave man, but an excellent commander, and well deserving of the friendship of the renowned Fingal.

"As a hundred winds on Morven, as the streams of an hundred hills, as clouds fly successive over heaven, or as the dark ocean assaults the shore of the desart; so roaring, so vast, so terrible the armies mix on Lena's echoing heath!" After the battle is over, and Ossian in a father's pride relates the caressing interview of Fingal, and his promising grandson Oscar, the youthful warrior is told "that often did the *hills* of Cromla reply to the sighs of love for the unhappy Fainassolis." In my grounded opinion, this is another proof of the range of hills before alluded to being the Lena of Ossian; else why did the poet use the plural number?

On my way to the southward, along the banks of the Legon, I had several reasons to believe that the hospitable Branno, the father of Everallin, wife of Ossian, and mother of Oscar, lived at, or near where now stands the town of Lisburn. An almost unquestionable proof of that we find in the description which Ossian gives Malvina of his courtship with Everallin.

"I went in suit of the maid," says the elegant poet, "to Lego's sable surge: twelve of my people were there, the sons of the streamy Morven. We came to Branno, friend of strangers, Branno of the sounding mail," &c. On this part of the description I can say without fear of contradiction, that the Legon has no sable surge, until we arrive on its banks in the neighbourhood of Lisburn; there this beautiful river has several little falls, but between that and Belfast it runs smooth and placid as a lake.

The antiquity of several parts of ancient scenery and warfare around Lisburn, is reported to have been done away or defaced, to make room for modern improvements during the rebellion of 1640, when Lisburn was made head-quarters for the royal troops—Belfast being then an inconsiderable fishing village! But notwithstanding the improvements of the moderns, or the implacable cruelty of the conquerors of past times, there are sufficient proofs of Lisburn having been a place of the first note in the early ages; and such a place as one of the early chiefs would have fixed on for a residence—a fertile country abounding in game, woods, and rivers. Here I have no doubt was the hall of the generous Branno.—Thus have I cited several parts of the poem to affirm my supposition as to the much noted-hill of Lena and the river Lubar; and to let the world see the ground on which my conjectures are established. I may yet proceed with one of the most realising proofs of the almost indisputable veracity of my system: "As the winds of night pour their dark ocean over the white sands of Mora, so dark advance the sons of Lochlin over Lena's rustling heath." On the north-west end of the small chain of hills above Te-mora (Connor), is the hill of Mora, before noticed, in whose immediate neighbourhood, on the road from Belfast to Connor, is a hill now called the Sandy *Braes*: an appellation evidently given to it by the Scottish settlers in that neighbourhood about the middle of the seventeenth century. The *white sands* on its summit render it a singular hill: there being no one like it, in that respect, in the north of Ireland. This last citation is sufficient to prove the correctness of Ossian's description of all the scenes in the neighbourhood of Connor, and to convince the most incredulous that he was particularly well acquainted with every conspicuous object around it, had there been no other proofs, of which every hour's walk furnishes abundance.

Fingal had started from his dream, and leaned on Trenmor's shield, the dark brown shield of his fathers, which they had often lifted of old, in the battles of their race. The hero had seen in his rest the mournful form of Agandecca (his first love); she came from the way of the ocean, and slowly, lonely moved over

Lena; her face was pale, like the mist of Cromla, &c. she departed on the winds of Lena. We may here rationally suppose Fingal to have been asleep at the before-mentioned encampment near Carmona, on the hill of Lena; hence the Poet derived his beautiful simile of the fair spirit's appearance, from the mist that overtopped the summit of Cromla, which was only about three miles from the camp, and full in sight. The sound of Oscar's steps approached; the king saw the grey shield on his side, for the first beam of the morning came over the waters of Ullin, Ulster. This is a most elegant and poetical description, and as natural as explanatory; for the waters of Ullin, in other words Belfast Loch, lay to the Eastward of the encampment, consequently the first beam of the morning light appears from that position, as coming over the waters of Ulster.—Another proof: "Fly over Lena's heath, O Oscar! and awake my friends to battle. The king stood by the *stone of Lubar*, and thrice raised his terrible voice; the deer started from the fountains of Cromla, and all the rocks shook on their hills!" How convincing is this analogy!

In Colna, Dona, we find, that it was customary in those days to perpetuate the memory of victories, by placing large stones on the fields of fame!

On my little tour through the country around Connor, I had the satisfaction of seeing two of these remarkable stones. One stands about a mile from the village of Doagh, and nearly equidistant from the Lubar, Six Mile Water! This stone is said to be about twenty feet in circumference, and about seven or eight above the surface: its depth in the earth is unknown. What renders it remarkable, is a large hole through it, capable of receiving an object as large as a man's head. The other is on the road from Belfast to Connor, about five miles west of this stone, but its dimensions are less than the former. I am informed that there are two others in the neighbourhood of Connor, which I did not visit; but if I might be allowed to note my opinion of their origin and use, I would say, that they were certainly placed there by some of the early inhabitants or visitors of Ireland, to perpetuate great achievements; and, surely it is not beyond the pale of probability, that the above remarkable holed stone on Lubar's banks, was the same on which Fingal leaned.—Musing, perhaps, on the deeds of valour performed in its neighbourhood; which, among rude warriors, was not uncommon, when they visited the fields of former battles. We know that it is natural even for a modern to experience an awful delight on visiting scenes famous for hard contested victory. Witness the feelings that rise in the mind on visiting Thermopylæ, Pharsalia, Agincourt, Londonderry, Trafalgar, or Waterloo!

As the spirit of Atha's king said to Ossian, "Future warriors

shall mark the place and think of other years; they shall mark it like the haunt of ghosts, pleasant, and dreadful to the soul. Do we not behold with joy the place where our fathers feasted? But our eyes are full of tears on the fields of their wars! This stone shall rise, with all its grass, and speak to other years! Here Cathmor and Ossian met in peace! When thou, O stone, shalt fail, and Lubar's stream (Six Mile Water) roll quite away, then shall the traveller come here, and bend perhaps in rest!" Might not this prophetic description allude to the remarkable stone before-mentioned?

Mr. Phillips's poetry excels his prose account of these places.

When tired at eve the pilgrim leans
Upon some rocky pile,
Of days long gone the rude remains
Sav'd by their rudeness from the Vandal reigns,
Which red and ruthless swept the plains
Of this ill-fated Isle.
He little thinks the mossy stones
Beneath his feet
Afford some hero's hallow'd bones
Their cold retreat;
Once saw the pomp of morning pride,
And heard the virgin's sigh
Swelling the sweet and solemn tide
Of ancient minstrelsy.
Perhaps e'en there on Fingal's arm
A thousand heroes hung
While Ossian, music of the storm,
The battle anthem sung.
Or there Œmania's palace rose
In more than regal pride;
Ollam inhal'd a nation's woes,
Conn's fiery sceptre crushed her foes,
Or noble Oscar died.

I passed, unknown to me at the time, near one of the other stones on the side of the hill of Mora, on my way to visit the site, or rather the foundations, of five or six hundred little human habitations, each of which appeared to be about twelve feet square. Of the origin of these cabins it is scarcely possible to form a reasonable conjecture. They are not modern; and tradition, such as it is, makes them coeval with the ruins of the old palace at Connor, Te-mora; and that they composed at one time the camp of the Caledonian king's army. On this tradition and their antique appearance, a conjecture might be founded—the hill on which they stand has a very commanding prospect over a large extent of

country; and it may be worth adding, that, on an elevated mossy heath, like that on which they have been erected, quite out of the way of the plough, there seems to be nothing more improbable in the tradition of their antiquity, than in the oral testimonies of the natives of the isle of Sky, who cannot avoid feeling and showing themselves angry at a traveller who does not seem to place implicit confidence in the report of the stone they point out, and actually believe to be the same to which Cuchullin fastened his dog Luath.

I have now only to cite a few more allusions to some parts of the scenery around Connor, and to place it beyond a doubt by the consistency of the analogy, that it is the ancient Te-mora where was the house of the great king.

"Now Fingal arose in his might, and thrice he reared his terrible voice; Cromla answered around, and the sons of the desart stood still." The battle having been fought on Lena, the poet thence deduces his similitudes, and from the neighbourhood his allusions; for the purpose, I presume, of giving greater celebrity to the scene of action; which we find to have been invariably the case with Ossian.—Wherever the battle was fought, from its neighbourhood he always deduces his similes, with that happiness peculiar only to first-rate poets. It were, perhaps, unnecessary to cite any more allusions to Cromla, Lena, &c. but one, I think, is yet necessary to elucidate the beautiful story of Lamderg, mentioned in the fifth book of Fingal. There is a pleasing hamlet called Lambeg, a short distance from Lisburn, which tradition makes the scene of a lamentable story, similar to the one told by Ossian on the authority and description of the bard Ullin. The hamlet stands near the before-mentioned falls of the Legon, and at the foot of the south-east end of the ridgy Cromla. When Fingal is informed by his bard Ullin, that his son Ryno sleeps with the awful forms of his fathers, the hero desires the mouth of song to relate whose tomb is on the heath of Lena: "that his son might not fly through clouds unknown, but be buried valiant." "The mouth of the song," informs him, "that the first of heroes lies there. Silent is Lamderg in his tomb; and Ullin king of swords. And who, soft smiling from her cloud, shows me her face of love? Why, daughter, why so pale art thou, first of the maids of Cromla? Dost thou sleep with the foes in battle, Gelchossa, white bosomed daughter of Tuathal? Thou hast been the love of thousands: but Lamderg was thy love! He came to Selma's mossy towers, and striking his dark buckler, spoke, 'where is Gelchossa, my love? the daughter of the noble Tuathal? I left her in the hall of Selma, when I fought with the gloomy Ulfadda,' &c."

I must here digress a short time to notice the word Selma—or

Selamath, which means a dwelling, beautiful to behold; and we find several places merited and acquired that appellation from the royal bard. Fingal had a Selma in Morven, and is thence denominated the king of Selma; and we read of another near Tura, Carrickfergus; but the Selma here alluded to, is evidently meant for the dwelling of Lamderg, and if it was at the place now called Lambeg, be the house of what construction soever it might, the situation and the scenery around it, were well deserving the character of beautiful to behold.

I proceed with the fatal episode. Allad, the druid, replied to enquiries respecting the chiefs:—" I saw Ullin the son of Cairbar. He came like a cloud from Cromla, and he hummed a surly song like a blast in a leafless wood. He entered the hall of Selma. 'Lamderg,' he said, 'most dreadful of men, fight, or yield to Ullin!' 'Lamderg,' replied Gelchossa, 'the son of battle is not here!—he fights Ulfadda, mighty chief! He is not here, thou first of men; but Lamderg never yielded. He will fight the son of Cairbar.' 'Lovely art thou,' said terrible Ullin 'daughter of the generous Tuathal, I convey thee to Cairbar's halls: the valiant shall have Gelchossa. Three days I remain on Cromla, to wait that son of battle, Lamderg; on the fourth, Gelchossa is mine, if the mighty Lamderg flies!'

"'Allad,' said the chief of Cromla: 'peace to thy dreams in the cave! Ferchious, sound the horn of Lamderg, that Ullin may hear on Cromla!' Lamderg, like a roaring storm, ascended the hill from Selma."

The whole description goes far to affirm that Lamderg, the chief of Cromla, had his residence of Selma near the spot to which tradition gives the name of Lambeg, at the foot of the hill or mountain of Cromla, which, he says, Ossian ascended like a roaring storm to avenge himself on the ravisher of his affectionate wife. This is but a natural conjecture when we recollect that the chiefs of those times generally had their dwellings in the low lying countries, near rivers.

" Gelchossa saw the silent chief as a wreath of mist ascending the hill. 'Cairbar,' said the maid of the tender hand, 'I must bend the bow on Cromla; for I see the dark-brown hinds.' She hasted up the hill. In vain! The gloomy heroes fought. Fierce Ullin fell. Young Lamderg came all pale to the daughter of generous Tuathal. 'What blood, my love,' said the soft-haired woman, 'flows down my warrior's side?' 'It is Ullin's blood! thou fairer than the snow on Cromla; let me rest here a little while.' The mighty Lamderg died. 'And sleepest thou so soon on earth, O chief of shady Cromla?' Three days she mourned beside her-love. The hunters found her dead; they raised the tomb above the three! Thy son, O king of Morven, may rest here

with heroes. 'And here my son shall rest,' said the king of the streamy Morven."

The above beautiful episode, which I consider one of the finest in the poems, is given by Ossian as the work of the native Irish bard Ullin, Ulster, who we find accompanied Fingal in all his expeditions to Ireland; for the purpose, I presume, of giving the warrior the necessary information respecting that country, in which he appears to have been a stranger, and for recounting the tales of other years.—The history of past times, which we know to have been in the province of the bards; who, unlike those of our times, were on all occasions honored with the most unlimited confidence by the warriors, whose adherents they were, and to the strictest attention, intimacy, and I might say, brotherly friendship.

In the sixth book of Fingal, we find the scene of the poem, laid on the heath of Lena (Moileny). On the mountain Cromla, "Fillan and Fergus," said Fingal, "blow my horn, that the joys of the chace may arise, that the deer of Cromla may hear and start at the lake of Roes." The lake of Roes is evidently the Lochneagh of our times. The northern end of this beautiful lake is bounded on the east by the range of hills known to the ancients as Cromleach, or Lena. Lena, I apprehend, was the name of the whole ridge, and Cromleach, the highest part, was applicable to that portion of the ridge, that lies to the westward of Belfast. There is a small district on the west side of the mountain called Cromlin, from the Erse, Cromleach, I presume, which terminates near the town of Antrim. The southern end of the range of Lena terminates on the estate of the Marquis of Hertford; and the highest part is called Dunora—as in the days of Ossian. On the borders of this district, and along the banks of Lochneagh, the deer are yet very plenty, and thrive there better than in any of the deer parks in the north of Ireland.

I shall again digress a little from the subject of places, and remark that the red oaks, so frequently mentioned by Ossian, are here very plenty; and many of them appear to be of great age. One, named the royal oak, from its extraordinary dimensions, was blown down on the windy Saturday of 1748. It grew in Lord Conway's (now Marquis of Hertford's) deer park; its dimensions are reported to have been very large for a native oak; the diameter being eighteen feet, and height from the root to the lower branch twenty-six; I have heard it remarked by judges, who calculated by the time which oaks generally take in growing to maturity, that the above oak must have been of considerable size in the time of Ossian, allowing the elapsed time to be sixteen hundred years. "And hereafter shalt thou be victorious," said Fingal, "the fame of Cuchullin shall grow like the *branchy tree* of Cromla."

After Fingal had cheered the defeated hero, while they sung and feasted, the soul of Cuchullin arose, and his face was brightened with gladness, and the strength of his arm returned. They passed the night in joy, and brought back the morning with song. Fingal arose on the heath, and shook his glittering spear. He moved first towards the heath of Lena, and we followed like a ridge of fire. "Spread the sails," said Fingal, "and catch the winds that pour from Lena!"

This gives me another proof, that my opinions of the scenes of Fingal's exploits, are through analogy deeply grounded in truth. The winds that pour from Lena, were the winds necessary to fill their sails in any part of Carmona's bay, (Belfast Loch,) and to waft them to Morven. For that part of the ridge of Lena, above Dun-mora, has a large opening to the south-west about six miles from Belfast.

In the third book of Fingal, we read that Carril represents that hero as strong as the waters of Lora. There is a chain of hills called Lora in the north of Ireland, near the seat of Lady Antrim, which now has the addition of *Don* (a hill,) to it. It lies nearly opposite to Scotland, and the whole chain of mountain is remarkable for white dashing cascades that tumble precipitantly down its sides, picturesque and truly grand in their descent. It is but natural to suppose that this mountain, with its cascades, caught the eyes of the elegant Ossian in some of his voyages to and from Erin.

Ossian tells us in the poem of Te-mora—"Between the hills of *Mora* and *Lora* lay the plain of Moi-Lena, through which ran the river Lubar!" Almost the whole field of Fingal's exploits might be brought before my readers, if they will imagine a tract of country nearly resembling a crescent. The space round the curve, between the cusps or points, I would portray as the hill or heath of Lena, bounding the Legon river and Belfast Lough to the west; Dunmora, a high hill, must terminate the curve and form the south-east cusp; and Dunlora, a high hill, the north-east point. A part of the chain of Lora nearly joining Mora, and that nearly joining Lena to the south-east, must be held as the inner curve of the crescent, along, and between whose lines, of course, lie the heath of Lena, the hill of Cromla; and nearly in the centre of the space so bounded, the Lubar must wind along through green Moi-Lena till it finds an opening between a branch of Lena and Mora, near which it enters Loughneagh. Such appears to me to be the most explanatory mode I can adopt, while unassisted by a map of the country.

"Why art thou so dark, Slimora, with all thy silent woods? No green star trembles on thy top—no moon-beam on thy side."

The Erse for great hill is Slieu-mor! In a note to the first book of Fingal, we find that Cuchullin was killed somewhere in Connaught. If that was the case, a part of my system is overturned; but I hope I shall make it appear, that the annotator is in this instance blameable for a little inconsistency or error. In the poem, "The Death of Cuchullin," after the advice which the hero received the preceding night from the ghost of Calmar, we read that "the faint beam of the morning rose, and the sound of Caithbat's buckler spread. Green Ullin's warriors convened like the roar of many streams. The horn of war is heard over *Lego*, (Legon) The mighty Torlath came! 'Why dost thou come with thy thousands, Cuchullin?' said the chief on Lego! 'I know the strength of thine arm, and thy soul is an unextinguished fire! Why fight we not on the *plain*, and let our hosts behold our deeds?' 'Thou risest like the sun on my soul,' said the son of Semo! 'Thine arm is mighty, O Torlath, and worthy of my wrath!—Retire, ye men of Ullin, to Slimor's shady side! Behold Cuchullin in the day of his fame!'" To elucidate this meeting, it is necessary to observe, that during the administration of Cuchullin in Ulster, Torlath, one of the chiefs of the Belgæ, who were in possession of the south of Ireland, rebelled in Connaught, and advanced towards Te-mora, for the purpose of dethroning the young king Cormac, who, excepting Ferdath, afterward king of Ireland, was the only one of the Scottish race of kings, (from Connor the Great) existing in that country. Cuchullin marched against the rebel prince, from the neighbourhood of the capital, Connor, and came up with him at the *lake of Lego*, where he totally defeated his forces, and killed Torlath: this victory, however, like that at Quebec and at Trafalgar, was dearly bought to the country, for in the proudest moment, the magnanimous and prudent Cuchullin was mortally wounded by an arrow.

I have now only to observe, that it is the noun Slimor (great hill) from whose mention the little inconsistency has arisen; for, on taking a nearer view of the subject, there may have been, and are, many Slimoras or great hills; but that which induces me to challenge the error or mis-statement, is, that there is a hill about five miles from Connor, that retains the name of Slieu-mors! It is one of the most remarkable hills in Ireland. A proof that it was once covered with wood, is from a moss on its summit whence large oak and fir trees are frequently dug; hence I think the poet used the appellation Slimora's shady side! Now is it not probable that the oral reporter to the translator of the poems, may have occasioned this little error?—if it is an error or inconsistency! The reporter, perhaps, unacquainted with the geography

of Ulster, taking it for granted that Cuchullin was killed in Connaught, because Torlath his opposer was a native and chieftain of that country, affirmed it to be the fatal place; forgetting, or passing over, the axiom, that the battle was fought on the banks of the Legon (Belfast Loch). As we read on, we observe that his friends who came from Scotland to his assistance, "by the darkly rolling waves of the Lego, raised the hero's tomb—Luath at a distance lies—the companion of Cuchullin at the chase." This is sufficient to prove that the battle was fought on the banks of the Legon; for it is a well-known fact, that our forefathers of the remote ages, who had the honor of falling in the service of their country, were always rewarded with a grave on the field of their glory, as a place the most apposite and glorious that could be chosen.

About a mile distant from Belfast, there is an ancient burying-ground on the banks of the Legon. Tradition reports it to have been a place used for that purpose from the most remote period, down to the days of St. Patrick, by whom it was consecrated. The moderns call it Friar's Bush; and I have little doubt but that it had its origin, as a place of sepulchre, from one of the battles of those days. For even in the most rude and barbarous nations, particularly in Africa, America, and part of Asia, I have witnessed the most reverential and careful attention paid to the dust once blest in the human form; and farther, a particular desire of succeeding generations to be mingled with their forefathers in the narrow house. Hence, I think it within the bounds of probability, that Friar's Bush is the grave of Cuchullin. Ossian tells us, "We came to Lego's mournful banks—we found his *rising* tomb. His companions in arms were there, and bards of many songs!" Here I will venture to assert that consistent analogy bestows me a most convincing proof of my conjecture being founded in reality.

In the poem, Darthula, we find mention made of Cairbar, sitting at a feast in the silent plain of Lona! And again, "Lathmor is before us;" he that fled from Fingal at Lona! The English of Lona is, a gradual rising ground from a marshy plain. About a mile above Belfast, and close to Friar's Bush, commences a level plain, or what should be called a holm, formed by the course of the river Legon. It is now covered with gentlemen's seats, whose business and concerns are in Belfast. The difference between the Gaelic and Erse dialects may have altered the name, by adding the "Ma," to "Lona," in the course of succeeding ages; for it is the only place that I can discover near the scenes of action, that has any resemblance to the original. Hence, I am disposed to think that the analogy of the preceding scenes, with

the one under consideration, would affirm this to be the same Lona twice alluded to by Ossian, as being in the neighbourhood of the capital Connor, or at least of the scene of action—it is now called Moi-alone.

After the defeat and death of Cuchullin, we read that Cairbar, taking advantage of the victory, advanced along Lego's lake, (Belfast loch, at the confluence of the Legon) to the sea-coast, where he expected Fingal, who meditated an attack, or rather prepared an expedition, to establish his kinsman on the throne of Ireland. Between the wings of Cairbar's army was the castle of Tura (Carrickfergus), where the landing from Scotland was generally effected. And into it the sons of Usnoth, and nephews of Cuchullin, were driven by a storm, without the possibility of escaping from their enemy Cairbar. "Distinct is the voice of Cairbar," said Nathos, "and loud as Cromla's falling stream."

Could this allude to the river Clady, that rises in the heath of Lena, and gurgles down the side of the mountain, past Cromlin, till it loses itself in the Lake of Roes (Lochneagh)? "Cairbar had seen the dark ship on the sea before the dusky night came down. His people watch on Lena's plain, (the north-west end of the hill, lying along the road from Belfast to Carrickfergus) and lift ten thousand spears!" "And let them lift ten thousand spears, said Nathos with a smile; the sons of Car-borne Usnoth will never tremble in danger! Why dost thou roar with all thy foam, thou roaring sea of Ullin (Ulster)? Why do ye rustle on your dark wings, ye whistling tempests of the sky?" These, however, forced the gallant brothers into Carrickfergus bay among the ten thousand spears of Cairbar, which prevented them raising the song of joy in Connor.

In the poem of Croma, we find Croma a country in lovely Inisfail (Ireland); but I can observe no allusion in the poem, by which I can trace any conspicuous object, or the province it is in; although it is highly probable it was in some part of Ulster:—this I would infer from its proximity to Morven. There is a small district in the county of Down, commencing on the banks of the Legon, a short distance from Belfast, and nearly opposite to Friar's Bush: it is called Cromac; which, after intersecting the beautiful villages of Newton-breda and Castlereagh, terminates to the north-east, at Strangford Lough. I was told by some of the old Catholic descendants, or rather Aborigines, that the district is traditionally reported to have embraced all the Peninsula of Down county to the north, formed by Belfast and Strangford Loughs. This traditional account to me bears a great degree of probability, and almost convinces me of the reality of my conjecture on discovering the place, called to this day Cromac, near Belfast; but the

poet, in the description of his actions to Malvina, ingeniously evades any allusion or similitudes by which we might trace his position, or rather the fields of his exploits in favor of Crothar, the chieftain of that district.

As Te-mora furnishes me with grounds for the few brief remarks I have made, at the commencement of this enquiry, so I am also indebted to it for grounds whereon to challenge another little error of the annotator. Inishuana is noted as a part of South Britain, an island, &c. This mistake of the annotator, if it is one, must have arisen from his recollection of Fingal having in the preceding poems, twice sailed from Carmona's bay, for that destination: hence, perhaps, the annotator thought that had Inishuana been in Ireland, the warrior might have gone thither by land. This Inishuana, or by some Inishona, is in the north-west part of Ireland, opposite to Scotland, and noted, wherever Irishmen travel, for its excellent whiskey. I have yet to observe, that if this was the same place to which the poet alluded, the warriors of Morven, no doubt, found it necessary to go to it by sea: probably in consequence of the unfordable river Bann running across their way; or, perhaps, from a wish to have their shipping at hand in case of being obliged to retreat; or, perhaps, rather than leave their ships behind them in Carmona's bay, to be exposed to an enemy in their absence, who might have destroyed them, and consequently cut off their communication with Morven, they preferred the journey by water to Inishuana.

To give a greater and more rational degree of coloring to my cause of difference with the translator, I have yet to observe that the Poems discover in the clearest manner, that the expedition to Inishuna took place only a short time before Fingal passed over to Ireland to dethrone Cairbar, the son of Borbar-Duthal. Cathmor, brother of Cairbar (the usurper of the crown and country of Fingal's young friend, of the race of Connor) was aiding Connor, King of Inishuna, in his wars, at the time that Duth Carmor was defeated by Ossian in the valley of Rathcol (in the county of Derry, and only a few miles from the coast opposite to Morven). The policy of Cathmor aiding Connor, was natural enough, for it was strengthening his brother's power—Inishuna being the next district or kingdom to Connor, which Cairbar had usurped!

This must certainly press hard on the annotator, who, of course, I hold unblameable—he having noted the error from the oral reporters, with whom the confusion of geographical descriptions was more likely to arise than with Mr. Macpherson. To bear out my former opinion on the subject, I might add, that Sulmalla lamenting Cathmor her lover, to Ossian, observes—

"High from their misty hills look forth the blue eyes of Erin, for he is away young dweller of their souls! nor harmless, white hands of Erin, is Cathmor in the skirts of war: he rolls ten thousand before him in his distant field." Of the propriety of differing with the translator, my readers will now judge for themselves. And if I am wrong, in the confused story originated my error: but it has occurred to me once or twice, that the error may have arisen in the orthography or pronunciation of the nouns; and, that Inishuna is confusingly placed for an island of Orkney or Scandinavia, called Inisthona! for the story of the latter seems to me to be connected with that of Sulmalla of Acmon!

"The setting sun was yellow on Dora; grey evening began to descend. Te-mora's woods shook with the blasts of the inconstant wind." This is one of the strongest proofs the whole collection of poems afford of the just and more than analogical grounds of my opinions on the celebrated scenes. Here Ossian distinctly tells us, that the poem was composed at Connor: for Connor and its neighbourhood supply the beautiful similitudes he so ingeniously displays, and are thence immortalised by his matchless muse. It is here evident that he was at Connor with his royal kinsman; else how could he see its woods shake in the blasts of the inconstant wind? or observe the rays of the setting sun on Dora?—Which hill is about four miles from Connor; and, need I add, that the description of the setting sun on Dora is truly natural and picturesque!

After such convincing proofs of my system, it is almost unnecessary to cite any more passages however conclusive. I now consider it necessary to conclude my observations with a very few short extracts and remarks that tend more immediately to ratify the consistency of the analogy from which I have deduced my discoveries.

"Who comes from Lubar's vale, from the folds of the morning mist? The drops of Heaven are on his head. His steps are in the paths of the sad. It is Carril of other times! He comes from Tura's silent cave!" Than the above passage, there is scarcely a sentence in the whole collection of poems that tends more to confirm my opinion of the places I have ascertained. Ossian, we read in the same page, was on the hill of Mora (Tardree) above Connor, and saw Carril the bard in Lubar's vale, (the vale through which runs the Six Mile Water) approaching him from Carrickfergus,—charged, no doubt, with despatches—for it was usual in those days for those who held the office of bard, to include in it that of ambassador, historian, messenger, herald, &c. The situ-

ations of the two bards are so clearly described, that a person the least acquainted with the country, could have no difficulty in pointing them out, and the other places discovered by the certainty of these.

It will be recollected that there are two chains of hills which run nearly parallel with Belfast Loch, and between its western shore and Connor. The one is Cromla, the other Mora. The intermediate space is that vale, I imagine, that the poet names the Vale of Lubar, through which the Six Mile Water winds in the most beautiful serpentine wanderings.

In the battle of Oscar and Cairbar, in which the latter fell, he lay like a shattered rock which Cromla shakes from his craggy side! On the north-east end of Cromla (Cave-hill) near Belfast, the rocks seem jutting out as if ready to fall; and many are the fragments it has shaken from its craggy side—to be seen at the foot of the hill. It is also worthy of remark, that the Cave-hill is the highest in that neighbourhood; and the only one that has such a picturesque craggy side!

Thus having found each part strictly analogous, and consistent with all, and indeed more generally uniform throughout the whole of the preceding enquiry, than is usually found in poetical descriptions, so I feel the greatest confidence in submitting the result to an enlightened public, as a part of my leisure hours' pastime; conscious that, though such communications are not of the most valuable sort, yet, I presume this will be acknowledged a gratifying one:—hence, it remains only for me to conclude, by repeating my opinion, that Fingal's progress in Ireland appears to have not exceeded twenty miles from the coast of Ulster; and that, never to the southward of Moileny, nor to the westward of Connor (Te-mora); and Lochneagh (the Lake of Roes). A most convincing proof, that the allegations of the historians Keating and O'Flaherty, with regard to Fingal having been an Irishman, are wholly inconsistent with reason.——For we may safely assert, that, had he been a native of Ireland, he would have chosen a more extended field for his exploits, than that portion of lovely Inisfail, confined within the above limits. But, instead of taking advantage of his numerous conquests, and the respect or terror which his redoubted name created in the minds of all the warriors wherever he went, we find him represented to have been only the virtuous and prudent warrior, and the active friend of distress. Peaceably inclined, he was anxious only to preserve the land of his young kinsman, and careless of extending his conquests, even when his frequent victories, if we may credit his son, could have given him an easy supremacy over then, as now, distracted

Ireland. No; after his victories and treaties, we find him invariably return to Morven, adored by his friends, and esteemed by his late enemies: more pleased within himself at the idea of having performed his part faithfully as a friend, and gallantly as a warrior, than if he had ambitiously laid countries desolate, and deprived millions of their natural rights and inheritance.

To conclude,—if Fingal was an Irishman, his son Ossian and his translator, have more than ingeniously evaded giving any hint by which he might be correctly ascertained to have been born in Ireland.—And, on the contrary, have given the most convincing proofs that he was a Caledonian, and that his frequent descents upon Ireland were solely occasioned by the wants of his kinsmen of the race of Connor! Now, as there is every reason to believe that Mr. Macpherson never was in Ireland, nor any of those from whom he had the oral originals of the elegant poems of Ossian; and, as the geographers of that excellent island are wholly silent on many of the places, which I have here attempted to bring to light, as sacred to the heroic actions of Fingal, and the never languid, never dying strains of his noble-minded son; so, I presume, it may be safely asserted, that the poems of Ossian are the genuine effusions of that father of Scottish and of sublime poetry; who, from a state of rude, though polished barbarism, (if I may use the expression,) poured forth a stream of sensibility, dazzling by the brightness of bravery and enthusiasm of patriotism, that, had it come down to us by an explorer of Herculaneum, as the work of a Greek or Roman, instead of through the long-doubted hands of the inconsistent Macpherson—it would have invaded our partial and too fastidious hearts with the irresistible force of lightning, and with the electric ardor of every idea that conspires to animate, exalt, and at the same time, to astonish and chain the intellectual empire, as by magic, to all that is truly feeling, noble, and sublime.——Without the passport from the classic vine-covered hills of Italy, I know those on whom the poems of Ossian have had the above ennobling effect, though they came from the rugged mountains of Caledonia.

London, May 26th, 1819.

APPENDIX.

THERE are five ancient castles in the county of Antrim, of which there are no records when they were built; but their appearance renders it beyond a doubt, that they are of the first stone and lime buildings erected in Ireland. They are the ruins of Connor Palace (the ancient Te-mora); Carrickfergus castle (Tura); Shanes Castle on the banks of Lochneagh (Lake of Roes); the seat of the O'Neils, for many centuries chieftains in Ulster; and the old building in Carmona bay, called the White House—which tradition would make the first house in Ireland, and may have been the Selma, mentioned near Tura, from its beautiful situation.—The old round tower near the town of Antrim, is evidently of a more modern date—perhaps of the thirteenth or fourteenth century. Carrickfergus Castle is traditionally reported to have been built by Fergus, the first king of Scotland, who, according to Fordun and others, went from Ireland to govern the Scots who had emigrated from Ireland to Scotland about the time of Alexander the Great, or three hundred years before Christ. But that must be a misrepresentation, for we have the authority of several of the Roman writers to counteract that tradition, who all agree in their account of the barbarous mode in which our forefathers lived. The Romans found no stone and lime buildings in these countries; consequently, they were the first who introduced them. And there is every reason to imagine that the before-mentioned castles have been built between the first landing of the Romans and the time of Fingal—say 300 years! This will exactly correspond with the time Connor is supposed to have been called to govern Ireland, and will bear out the Irish historian, who says Connor's castle was the first stone and lime building in Ireland. The Romans had been in possession of South Britain and the South of Scotland nearly 150 years before Connor the grand-uncle of Fingal was elected King of Ireland; consequently there was sufficient time for the Aborigines to learn the art of building from the indefatigable Romans; hence is it not probable that Connor, on finding his election and right to the Crown of Ireland doubted, had recourse to the building discovered at Connor, whose walls appear more like those of a fortification than of a common dwelling? add to this its central situation in the county, and vicinity to the coast.

The antiquary, on having read the foregoing pages, will agree with me, I presume, in the remark which naturally arises from a review of the whole—namely, that that tract of Antrim county, to which my observations have been directed, is apparently the same which the learned Archbishop Usher designated the Route of Dalriada!—whence report would colonise the neighbouring island of Scotland. Be that as it may, however, there is no part of Ireland, over which I have travelled, that contains so many rude vestiges of antiquity; nor one whose local situation is more likely to have received inhabitants from, or given them to, the sister Island. —*Ne plus ultra!*

It is rather a matter of regret that the Irish history should be so fabulous even at a comparatively modern date. A developement of proofs, however, of the Irish being in some measure a florishing country in possession of the arts and sciences, and the repository of learned men before Scotland and England, is annually taking place. Indeed I am fully disposed to side with Sir James Ware, Lord Lyttleton, and Dr. Whitaker, occasionally in opposition to Archbishop Usher, on the veracity of their statements.

Irish history, or rather printedtradition, describes a celebrated king—by the style of Malachi of the gold collar. As his name is a scripture one, I infer that he must have lived since the days of St. Patrick—and that he wore a collar of gold I am not willing to doubt. A few Sundays ago I had the pleasure of handling several of those rich ornaments of the early Irish, at the house of that venerable and excellent man Sir Joseph Banks. It is scarcely necessary to add that they were dug out of Irish bogs, where they were no doubt deposited during the troubles of that hapless country, and forwarded to the President of the Royal Society by different noblemen who had purchased them from the peasantry who found them. Their massy construction proved that gold was no rarity in Ireland in the early ages, and they are in size fitted to the neck and body of the largest man. The workmanship is by no means of the rudest cast; though certainly wanting the finish of the artists of our day.

All these circumstances go far to partly affirm the unrecorded part of Irish history—and to give to what without them would, like the poems of Ossian, be "airy nothing"—"a local habitation and a name!"

OBSERVATIONS

ON

THE PHENOMENA OF

INSANITY.

BEING A

SUPPLEMENT

TO

OBSERVATIONS

ON THE

CASUAL AND PERIODICAL INFLUENCE

OF

PECULIAR STATES OF THE ATMOSPHERE

ON HUMAN HEALTH AND DISEASE.

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LONDON :

1819.

PREFACE

TO

OBSERVATIONS ON THE PHENOMENA OF INSANITY.

In a recent publication I have endeavoured to establish the following doctrine,—That there are peculiar States of the Atmosphere, independent of its Heat, Weight, or Moisture, which have a particular influence on human Health and Disease, as well as on other natural Phenomena. This influence, depending on different states of the Atmosphere at different times, becomes various in its mode of operation: hence it not only causes a general disturbance of the health, but seems to have considerable share in producing the varieties of the symptoms. These peculiar conditions of the Atmosphere happen at times apparently very uncertain, and their influence is therefore denominated *casual*. It seems to be the cause of epidemic diseases.

That there is likewise, apparently independent of the above, a periodical Influence, occurring twicein the course of twenty-eight days, which has a very general operation: it affects immediately the Brain and Nervous System, causing a general increase of irritability of the whole body, and it lessens the capability and relish for intellectual exertion.—That its effect is greater or less in different persons, in proportion to the susceptibility and weakness of their constitutions—That persons who are very irritable are liable to feel this influence at both the above periods, and it often lasts for several days; but strong and healthy individuals only feel it once in the month, and with them it is trifling, and of short duration—

That healthy persons who are affected at one time in the month, are not affected at the other: hence these times may be regarded as two distinct periods, each of which recurs once in about twenty-eight days; and they are therefore called the Monthly Periods of Irritability.—That at these periods the symptoms of all chronic complaints are exacerbated; and headach, epilepsy, catalepsy, and various nervous diseases to which there may be a predisposition, are most liable to happen.—That the symptoms of various sorts of Insanity are worst about this time, but particularly the melancholic kind: hence suicides from disease are more numerous.—In females, the catamenia usually takes place at one or other of these two periods; and when irregular, sometimes occurs at both.—Parturition generally takes place at some one of these periods, and consequently abortions are then more to be apprehended than at other times in the month. Finally, wounds heal less readily, hydrophobia is more common, infectious diseases have crises, and all those phenomena occur which can be ascribed to increased irritability. The periods do not seem to coincide with any exact time of the moon, but their occurrence twice in a lunar revolution is a circumstance worthy of notice.

I have also shown that there are Diurnal Periods of Diseases, some paroxysms occurring at stated hours, as at noon, two o'clock, six o'clock, midnight, &c. &c. That there are likewise Periods of Diseases which occur every second, third, or fourth day. Diseases which observe any of these Diurnal, Tertian, or Quartan Periods, have their worst paroxysms (at their accustomed hours) during the time of the Monthly Periods. That some Diseases have particular Periods of their own, and terms of Duration, which last many months, independent of the other periods. These disorders, as well as those before described as happening from the *Casual Influence*, are worse at the monthly Periods.

That some diseases are frequently found to recur at nearly the same time of year for several succeeding years: hence there are Annual Periods of Diseases, which, while they last, are worse at the times of the monthly influence.

Finally, that in derangements of the mind, the periodical influence only causes an exacerbation of the paroxysms, while the peculiarities of the symptoms depend principally on the particular organisation.

And I have shown that the periodicity of diseases is confirmed by collateral observation on animals and plants, and is conformable to all the phenomena of Nature.

I proceed here to endeavour to explain how Insanity in particular may become subject to the *periodical and casual Influence*,

by inferring its physical nature from its Symptoms, and the striking analogy between this and other nervous diseases. The doctrine I have here tried to establish respecting madness may be thus comprehended.

Among the multiform diseases to which, from original predisposition, and the influence of numberless exciting causes, the human body is liable, may be reckoned Insanity; or derangement of the faculties of the mind, which depend on irritation of the organs of the brain, kept up by the reaction of a fulness and inflammation of its vessels, and more or less of a disordered state of the digestive organs.—That the particular symptoms in Insanity depend on the particular parts of the brain so affected.—That the violence of the symptoms is commensurate to the degree and kind of derangement in the animal machine, which may be clearly pointed out in its beginning, (before the mental symptoms occur,) as appearing usually in periodical paroxysms. And that the medical treatment which is most successful, must consist in rectifying the state of the digestive and other natural functions, and a course of lowering treatment by bleeding.—That all these circumstances, taken collectively, naturally induce us to place Insanity among other nervous diseases, from which it seems to differ in the particular locality of the diseased cerebral action. Future observations may confute, confirm, or modify, this view I have taken of the disease, which, for several years past, I have taken pains to enquire into, and which is an important object of research, from its increasing prevalence incivilised nations.

In England Madness is said to have increased in a very great degree, and numerous causes have been given for this increase, perhaps no one more truly than the habit of Stimulation which over-Diet, Drink and habits give to the brain and nervous System. Those who take athletic exercise in the open air in this Country, counteract its good effect by habits of proportionate high feeding, and by drinks of a stimulating nature; while the temperate are oftentimes studious and sedentary.

Another circumstance which contributes most effectually to nervous diseases, is the great want of free ventilation and the custom of close Rooms. Warm Rooms are certainly desirable in our climate, but it should be warmth with a free egress and ingress of atmospheric air; and for this reason all Rooms for the reception of company should be provided with ventilators in the upper part of the room. Persons should likewise sleep in well aired chambers. These precautions would diminish the frequency of nervous diseases.

T. F.

Tunbridge Wells, September the 26th, 1817.

OBSERVATIONS,

&c.

Insanity cannot be accurately defined, because in its various modifications it borders too closely on other nervous diseases; and it exists in all degrees, from the least to the greatest state of cerebral derangement. But we are capable of adverting to several morbid symptoms, which seem to concur in almost all its modifications. The consideration of Insanity may be divided into two parts:—the morbid symptoms of disorder in what are called the automatic functions of the animal Machine; and the particular hallucination or kind of insanity. The former of these may be properly considered as the disease which is to be subjected to medical treatment; and it consists more or less in a too great determination of Blood to the Brain: the latter depends principally on the original structure and comparative magnitude of the different organs of the brain, or in their comparative activeness; and it is much under the influence of moral causes. On the former depends the existence of the disease; on the latter, the varieties in its modifications. The former may be called the disordered state of the automatic functions; the latter, that of the functions of animal life. Their division will be more fully illustrated by the subsequent detail of symptoms.

§ 2. In cases of Madness, as in all those diseases called nervous, there appears a particular determination of blood to the head, producing, in many cases of insanity, a slow inflammatory action

of the vessels of the brain and its coverings. This fact has of late been almost indisputably proved. It was first impressed on my mind by observing the greater degree of density, hardness, and weight, of the sculls of madmen; a circumstance which became known when the students of the physiology of the brain collected a great number of crania, particularly Gall and Spurzheim. I had in my possession a great many, which were dense like ivory, and which differed materially in texture from the sculls of healthy persons. This hardness of the cranium is not near so great in persons subject only to those nervous diseases which produce less violent and less perverted cerebral action. It is conformable to acknowledged facts to ascribe the aforesaid hardness of the scull to continued inflammation of the head.

The great determination of blood to the head in Insanity, increased during its paroxysms, may be felt at the carotid and temporal arteries, as was frequently proved to me when I first attended to this disease. But the great disproportion between the pulsation of the radial artery and the carotid, which would lead directly to the knowledge of the particular determination of blood, seems most distinctly and accurately noticed in a small tract published by my friend, Dr. Thomas Mayo.[1] I have perceived this symptom wherever I have been permitted to examine patients during the paroxysm; but I passed it over, from finding it to occur in other nervous disorders.

This fact of its being common in other disorders of the sensorium, shows that something more is yet necessary to produce the insane state of the brain. I believe this other thing to be referrible to the particular seat of the inflammatory action, which the determination of blood to the head either directly causes, or at least is closely connected with. And this view of the subject, corroborated by numerous facts, enables us in some measure to explain the modifications of the symptoms. In the present section I shall confine myself to the automatic functions, and to the medical treatment.

With respect, however, to the cause of the physical symptoms, there appears some obscurity: for though the cerebral inflammation be a prominent symptom, the cause of the determination of blood to this or that part of the brain remains, in many cases, unexplained. I consider it as the consequence of the too great activity of the cerebral organs, either the result of hereditary predisposition, or of violent excitement from strong emotions of the mind,

[1] This Tract, professedly founded on the long practice of Dr. Mayo, sen., is highly valuable from its perspicuity of diction, its exemption from hypothesis, and the importance of the treatment it recommends.

or as resulting from the co-operation of these causes. According to this view of the phenomena, passions which call any particular part of the brain into violent action may not only favor the disordered state of the automatic functions, which may be necessary to insanity, but may also determine the particular hallucinations. This opinion might be fairly deduced from the doctrine of the plurality of Organs in the Brain, even were there not other circumstances which could confirm it.

If we carefully examine the ostensible symptoms of disease in Insanity, we shall find them such as occur in most other nervous complaints. The hurried action of the vascular system, particularly in the pulsation of the carotid and of the temporal arteries, the determination of blood, as well as the insensibility of the stomach to stimuli, are found in numerous diseases in which the usual functions of the mind remain unimpaired. But a very similar treatment appears beneficial in all those diseases which are marked by the above phenomena; namely, alterative medicines and depletion: because in all, the principal object is to rectify the state of the digestive functions, and to diminish the inflammatory action of the vessels of the head: consequently, the clear elucidation of the fact, that Insanity occurs where the inflammatory action affects the internal organic parts of the Brain, and that it varies according as particular Organs are affected, becomes more a subject of curious speculation, than of absolute medical utility; at least so far as respects the medical treatment. I shall proceed, however, in endeavouring to illustrate this fact, since it is closely connected with the consideration of the moral causes, and tends also to prove that the determination of blood to the head is only secondary in the chain of the physical causes of Insanity, though it evidently reacts on, and perpetuates the primary cause, which consists in irritation of the Organs, but which is often diminished or wholly removed, when, after a course of lowering medical treatment, the determination of blood is lessened or destroyed. The same argument seems applicable to the disorder of the digestive organs, which reacts on the Organs of the Brain. Hence alterative medicines and bleeding become important; since cerebral inflammation, as well as the disordered bowels, would maintain the primary cause, which, by a reflected action, would mutually keep up the disorder in the vascular and digestive organs. The primary cause, that is the too great activity of the Brain, is, therefore, the real object to be removed. The disposition to it is connate and hereditary, and is brought on by moral causes which violently excite the Brain, and also by disorders which, beginning in the digestive or vascular systems, excite those of the cerebrum by sympathy: it is subject, like disorders of other parts, to casual and periodical parox-

ysms, depending on atmospherical Influence; and it is often cured by the power of depletion to remove the secondary and exciting causes. It sometimes ceases of itself, when, by great changes in the atmosphere, some external irritant is apparently withdrawn.

The doctrine, that Insanity is connected with cerebral inflammation, and that the kind of hallucinations vary according as particular organs of the brain become the seat of the affection, is confirmed by collateral observation on other nervous diseases. In all these there appears an evident increase of the quantity or momentum of blood in the head, subject to particular laws of distribution, whereby different parts become affected. Dr. Parry has ably illustrated this fact: and it begins to be a general doctrine among other distinguished writers on medicine. But the primary cause is apt to be overlooked, or confounded with the ostensible symptoms. The opinion maintained by M. Abernethy seems, to me at least, the most rational: for though in nervous diseases, and in those denominated local, there be a particular increase of vascular action, yet we must eventually refer this action to irritation, previously occurring in weak and susceptible parts. Moreover, when the nervous irritation occurs, from whatever cause, weakness of particular parts is not the only cause of their becoming the seat of the disease. There are atmospherical causes, which happen casually, and are insensible, that not only irritate generally, but which fix the particular symptoms, as well in the human subject as in animals.[1] This external influence is local in some regions; and on the knowledge thereof is founded the custom of prescribing particular places as medical agents in the cure of particular diseases, and of proscribing others as insalubrious. The eyes in one place, or at one time, are most affected; the ears at another; and so on. In these cases, the determination of blood must be referred to the recurrence of local or sympathetic irritation.

External causes of irritation produce similar effects, which are more transitory, because there be no permanent cause, acting by sympathetic influence: but when this external cause is violent, the inflammation produced reacts on the irritated nerves, and the disorder is protracted. I shall endeavour to show, in the sequel, that this is precisely the case with many kinds of insanity; that is, similar causes, acting on the cerebral organs, produce Madness, which, when they occur in the nerves of the senses, produce erroneous or imperfect sensation, and in the other parts of the body cause local complaints. Reserving this application of the doc-

[1] A correct history of the plagues and epizooties which are recorded in history, compared with journals of the electroscope, would be highly interesting.

trine to insanity to another section, I shall proceed to enumerate some of the symptoms of several dissimilar nervous complaints.

§ 3. Too much exertion of the eyes, independently of premature paralysis of the nervous apparatus, produces local inflammation in the circumjacent parts. But opthalmic diseases occur also from sympathetic and atmospherical influence: so also of other parts.

The auditory apparatus affords an example: violent sounds, like sudden glare of light to the eyes, cause inflammation of the organ. Deafness is frequently caused by an accumulation of blood, either producing obstruction in the Eustachian trumpet, or in some other part of the ear. It is sympathetic, is under the influence of the atmosphere, and is sometimes relieved by hæmorrhages. In Epilepsy, violent affections of the Mind bring on the attack; while it is sometimes referrible to the sympathy of the Brain and nerves with the overloaded or irritated stomach; or is the result of the two causes acting together. I need not enumerate other diseases. I have already called attention to the nervous irritation, from local, sympathetic, and atmospherical irritants, as the principal cause;—to increased vascular action and disordered bowels, as the regular concomitant and maintaining force in the disease;—to the periodical recurrence of the symptoms which mark stages in the progress of the malady;—and to the successful treatment by means of alterative medicines and depletion.

§ 4. An irritable state of the Brain, and inflammatory action of its vessels, is common to insanity of almost all kinds, and to nervous diseases of very dissimilar sorts. But the partial affections of the organs explain the peculiarities of the symptoms. Recent discoveries in physiology have taught us to regard the brain as a complication of many distinct organs, which are the material instruments of different sentiments, propensities, and intellectual faculties, of animal life. As the natural and healthy functions of these organs is different, so must they excite different maniacal ideas in a state of disease. We find, agreeably to this view, that when any particular organ be larger than ordinary in mad persons, their insanity often consists in some derangement of that particular faculty of which the large organ is the instrument. I have examined too many cases of melancholy, for example, to doubt of the following fact, which I have constantly found; that the organ of cautiousness, or that part of the brain under the upper posterior part of the parietal bone, is generally much developed in that modification of insanity. I have observed frequently a very large cerebellum in persons deranged by *furor uterinus*; and in those who, during their maniacal paroxysms, have manifested violent erotic propensities. I recollect two cases of persons with a natural genius for mechanics, who, when insane, raved of machinery, and who

had the corresponding organs very large. I could enumerate an abundance of cases; but I shall forego the consideration of the external figure of the head as an indication of character, in the present stage of the inquiry, and shall confine my observations to the following limited branch of the subject,—that the preponderance of any particular sentiment, passion, or faculty, constituting the character or genius of the healthy subject, is strongly marked in his insanity, and predisposes to the kind of symptoms: and that when the cerebral functions have been so disturbed by moral causes as to bring on the disease, the symptoms of derangement often appear in those passions or faculties which have been greatly called into action, and irritated by the aforesaid moral causes.

But the disordered vascular action is always the attendant on the disease; and hence I infer, that the madness consists in derangement of material organs. I dwell less on the proofs I have derived from examining the forms of cranium, because I am aware of the unwillingness of the public to admit facts that can only be accurately ascertained by a laborious and continued direction of the attention to this subject almost exclusively. I shall, therefore, only allude to the cerebral organs casually, where the examples of the coincidence of forms of the head with the disease is particularly striking. If the present state and popularity of the science permitted me to speak in the strict language of my own opinion, I should say as follows:—The organs of the brain may be deranged separately or together, any number of them at once, or one separately: hence, patients are insane in one particular faculty, and judge of it by another; when the organ of cautiousness is the particular subject of cerebral irritation, the prominent characteristic of the insanity is fear and melancholy; the organ of ideality would add whimsical and imaginary dangers; the mysterising faculty gives a superstitious turn to the illusion, and the patient then sees visions, hears angels sing, voices calling him, &c.; or, when the upper parts are deranged, he is religiously mad; when the organ of combativeness is morbidly active, he is raving and furious; or destructive if the part of the brain behind the ears be inordinately large, or be called into diseased action. When the symptoms vary or alternate, as fury, melancholy, &c., it is because the irritated or inflamed state is shifted from one to another organ. But I forbear any further allusion to the separate organs, and proceed to relate a few cases in the order of their phenomena.

§ 5. A patient of irritable and nervous constitution, with much ideality and cautiousness, became sensible of increasing irritability, and could not regulate his bowels by medicines. The circulation became more and more hurried; he had successively headachs, nausea, vertigo, and irregular spirits, and was sensible of

monthly exacerbations of these symptoms: at length he felt a sudden and fixed melancholy, which, he assured me, came on as it were in a moment, and speedily went off after taking high food. He had, during the paroxysm, a maniacal fear of some far distant event, which he dreaded. About a month afterwards he was attacked again; he took purgative medicines, as he said, "this fear has a peculiar coloring; it is morbid." The disease became a continuous melancholy,[1] or insanity, with maniacal fear, varying in the sportive change of its object, with diurnal exacerbations. It subsided, during a change of weather, a month afterwards: but he had slight periodical returns. Some years afterwards, when he thought himself cured, he had some violent cause of anxiety: after this cause was removed, he felt constitutional melancholy, and said it was morbid:—"The swell of the ocean is left after the storm has passed away." He was so convinced himself that some organic part had been too much acted on, and had been left in a state of morbid activity in kind as well as in degree, that he made himself the subject of experiment, and, like many madmen, reasoned with metaphysical accuracy and precision on his hallucination. He took lowering medicines and diet, and great exercise, and by degrees lost the disease. But he had monthly returns in a slight degree, for about a year afterwards. This is a case in which, in a constitution predisposed, the violent excitement of a particular organ (or at least of a particular sentiment) led to a morbid and perverted activity of that organ after the exciting cause was removed; in consequence, as it would seem, of a catenation of morbid bodily symptoms, marked by determination of blood to the head. This latter circumstance was confirmed, during both the attacks, by a full and hurried pulsation of the carotids. The diurnal periodicity of the disease was shown by the flushing of the face and increase of action about noon; and its metastasis by the consequent change of the flushing to melancholy and fear about two o'clock. Finally, during the time it was not continuous, it evinced monthly paroxysms at the periods of irritability.[2] It seemed, in the first attack, to have been excited by atmospherical influence, as it occurred during the time of an epidemic, and an irregular distribution of aerial electricity; and it showed its connateness by affecting the largest organs, after a high degree of

[1] Dr. Darwin has tried to establish a distinction between Hypochondriasis and Insanity. They appear to me only modifications of a diseased state of the Brain.

[2] See my "Observations on the Casual and Periodical Influence of Atmosphere on Insanity," to which I regard this paper as supplementary.

their ordinary excitement. I consider this case as instructive. I could advert to many others, with a similar history, wherein the symptoms varied according to the organisation.[1]

The knowledge of this partial cause of the symptoms seems as yet to promise no improvement in practice, since we know of no local bleeding capable of draining particular organs. But it leads us to employ moral agents, conjoined with medical treatment, since we can excite the antagonist faculties of the mind, and thus try to divert the irritation, and, by this means, the impetus of blood. The medical practice will remain the same as before this particular circumstance was known, and will consist of alterative medicines and depletion, with good air, and as much exercise as is compatible with circumstances. To this consideration I shall devote the next section. Suffice it to say, that the popular treatment of the disease in general appears wrong, while an alterative and depletory course seems highly beneficial. Indeed, this plan is generally the best for all nervous complaints. Tonics and stimulants afford temporary relief, but lead to a worse state of the patient in the end. In the periodical returns of insanity, tonics are excessively hurtful. I should have said more here about the alterative and depletory treatment, if the excellent remarks of Dr. Mayo had not been published. Founded on long and successful practice, it is hoped they will rouse the attention of practitioners to the most important errors now committed in the medical treatment of nervous diseases. The facts I have hastily gathered from cases viewed in mad houses far distant asunder, and cursorily examined during a tour, cannot afford such substantial documents as observations made on the same cases in different consecutive stages.

On the periods of insanity, which are irregular and regular, daily and monthly, and the terms or course of the disease, which may be shortened by lowering, and aggravated by tonic and nourishing medicines, I have already stated my opinion. I hope to publish cases, from time to time as I make them out, from the numerous notes I have collected, and from others which have been transmitted to me.

§ 6. There are several other phenomena, which I may call collateral, in insanity, which tend to show that the symptoms of madness depend on irritation and inflammation of particular or-

[1] Whether the casual or epidemic influence of the atmosphere determines the seat of the cerebral inflammation or not, in some cases, I do not yet know; but I suspect it, since this influence has such a great power over the symptoms in epidemical complaints in general.

gans of the brain. I speak of irritation and inflammation as being concomitant in the disease; since, I believe, we may almost lay it down as a rule, that in inflammation there is always a high degree of nervous irritation previous to that increased action of the blood vessels which reacts on and maintains it. I must here advert to another fact in physiology, of almost equally general application, before I draw the parallel between affection of the organs of the brain and those of other parts; namely,—that the increased activity of the nervous and sanguiferous systems of any part, at first only increases the natural action of that part; but afterwards, when it proceeds to a greater degree, it produces an erroneous or perverted action. We shall see this equally apply to the brain as to other organs, on the supposition I have advanced respecting the cause of particular insanity; and thus we shall be able to corroborate our doctrine by a sort of analogical proof, founded on the general laws of physiology.

First, with respect to the five senses;—a certain quantity of activity in the retina, and of blood in the vessels of the eye, are necessary to sight; but if this quantity be increased, as in local inflammation of the eyes, vision is painful or distorted: the action of the optical organs is likewise perverted, and ocular spectres, *muscæ volitantes*, and other illusive phenomena, occur in consequence of irritation and the increased momentum of the blood to those parts. A similar example may be taken from the imaginary sounds of voices in the ears, or the morbid sensation of smells, which do not exist in reality, but which seem to arise from an inflammatory and irritable state of the respective organs in the auditory and olfactory apparatus: these disorders, as well as deafness from what is called relaxation of the Eustachian tube, have gone away inmany cases after accidental hæmorrhages, or cathartic medicines. The cause of these complaints, as well as of all diseases usually denominated nervous, have been ably illustrated by Dr. Parry in his "Elements of Pathology." And I have seen the more obstinate cases of this kind cured eventually, by a course of depletory treatment, where tonic medicines have previously been used without benefit. I have seen also, in two cases, a similar treatment subdue obstinate melancholy, where the temporary relief afforded by tonics had already produced a worse state of the patient after the immediate effect of the stimulus had ceased. In both these cases, the part of the brain before alluded to as being the organ of cautiousness, was very large.

In many cases of insanity we can distinctly trace the disease through various stages, which illustrate its analogy to the diseases of other parts. At first, the increased activity of the organ of

cautiousness is manifested by an unusual look of anxiety, exaggerated fears, and other marks of irritability. As the disease advances, these fears become more irrational; the melancholy sentiment becomes, as it were, fixed, and is associated with some maniacal delusion; the patient himself is even conscious of a change from an irritable to a perverted state of his feelings. The organs of digestion now appear more decidedly disordered, and the arterial action in the head is hurried. The same applies to other organs, according to the nature of the madness: those which are in nearer proximity seem to suffer the soonest, as it were from the general law of contiguous sympathy. Thus we find the Organs of Combativeness and Destructiveness[1] fall the most readily into the disordered state; and maniacal fury, and a destructive disposition, alternate with, or accompany melancholy. In like manner, as the eyes and nose, the mouth, &c. are in catarrhal complaints affected with inflammation, either alternately or together. Another circumstance, which seems explainable on the same supposition, and tends also to justify me in regarding these kinds of insanity as having their particular seats in the organs alluded to, is, that we find those parts of the head which are most contiguous to the deranged Organs become most often affected with the disease in mania and melancholia. In these diseases the ears suffer more than the eyes: there are many more madmen deaf than blind. Violent fits of anger, which is an affection of the cerebral organ behind the ear, have caused temporary deafness. Great bleeding from the nose, or a violent flood of tears, has sometimes produced a temporary relief from melancholy and irritation, which can only be referred to its relieving the patient from the fulness of the cerebral vessels. The effect of wounds of the occiput on the functions of the cerebellum, is too well known to leave a doubt about the sympathy between the exterior part of the head, and the parts of the brain under them. It is by contiguous sympathy that we can explain the effect on the brain of excessive venery, and its tendency to madness: the inordinate action into which the cerebellum (or *organum amoris physici*) is called, produces an irritable and inflammatory state of that organ, which is extended in time to the organs of the cerebrum. I have observed, that the external parts of the head most affected in erotomania are the parts behind the ears, and over the nape of the neck, where an inflammatory state is not only observed, but found to be periodical. I could produce numerous other cases from the notes I have collected, did I not

[1] I am compelled to use these terms, no others having been established whereby to designate the distinct and primary affections of the mind.

wish to avoid the odious imputation of swelling out a few hasty observations into a bulky volume.

The periodical paroxysms of insanity show also its analogy to other diseases of particular parts connected with general disorder. Simple disorder of the bowels, headach, and general irritability, accompanied, perhaps, with some local inflammation, have often been found to be periodical. Dr. Mayo has noticed in insanity [1] the periodical ending in the continuous state, and then being cured. I have observed the same of fits of toothach, and other local affections of particular nerves.

Lastly; the success of the lowering treatment in insanity tends to establish the parallel. Do we not find in many local inflammations, particularly about the head, that by our first producing a healthy condition of the digestive organs the symptoms abate, but that the local inflammation, not being subdued, keeps up the irritation, the digestion goes wrong again, and all is as bad as ever: recourse is then had to antiphlogistic measures of a more violent nature; the patient undergoes general depletion, and in time the affected part and general health get well together? Is not this often the process in insanity? [2]

Thus the phenomena of insanity, both in the symptoms and treatment, show its physical nature, and its analogy to other diseases of particular parts, accompanied by general ill health, liable to periodical returns, best cured by alterative medicines and depletion.

Such a view of the subject, in proportion as it is confirmed by observation, must alter the practice in insanity. Instead of being deluded by the specious appearance of amendment under the tonic regimen, or of omitting medical treatment altogether, from the apparent incurableness of the disease, and the versatility of its symptoms, we must proceed steadily with the lowering plan. As soon as the first doubtful signs of the disease appear in the periodical paroxysms of unusual irritability, we must note the circumstances before alluded to as denoting the determination of blood to the head, and must advert to the state of the abdominal viscera. These must become the first objects of attention, since experience has shown that we cannot expect any amendment in the nervous symptoms while the organs of digestion remain disordered. If by alterative medicines the healthy state of these functions be not effected; or if the nervous symptoms do not subside

[1] See the Work above cited.

[2] Consult Spurzheim on Insanity: Hallè sur la Manie Atrabilaire, &c. &c. &c.

with the visceral disorder, more active measures must be adopted, such as stronger cathartic medicines, repeated bleeding, and abstinence.[1] The manner in which such general and continued depletion acts in the cure of local inflammation remains unknown: but the balance of action in the sanguiferous system, and of excitability in the brain and nerves, seem to be restored by such means, both in madness and in a numerous train of other nervous maladies. The obscurity of the cause of these diseases is increased by the periodical fits in which they happen, many of which occur in particular seasons, or in daily and monthly paroxysms, referrible to atmospherical causes. The facts, however inexplicable, are undeniably true, and merit general attention. These periods will, in some measure, direct the conduct of the physician. We may prepare against the attack, or forcibly break the chain of consecutive symptoms. At the monthly periods, too, the crisis of certain forms of disease happen. These are also important, as it is injurious to begin certain remedies just before the critical exacerbation of many complaints.

Rational views of the physical nature of insanity, if duly acted on, may invalidate the charge brought against the practice in this disease—of making gaols of lunatic hospitals; of treating the insane more like prisoners than patients; of grouping various kinds of madmen together; and of fulfilling the character of mad houses; an epithet which the satirical pen of some continental writer has applied, as designating houses manifestly ill calculated for madmen.—These errors have partly arisen from the prevalence of a prejudice that insanity was the disease of a Being essentially distinct from the Body, and, therefore, not regulated by the ordinary laws of animal life.

The identification of the mind with the material organs is not intended to be understood by this allusion: but I insist on the disorder of the organs as the cause of madness.

I will not pretend either to defend or to dispute the propriety of the nomenclature used for the organs; but it serves to express the distinct faculties of the mind, whose organs have been named according to the new doctrine, the principles of which now begin to be admitted by the ablest physiologists.[2]—I have alluded to the

[1] The Case which, being related to me by a foreign physician, first suggested this opinion, was that of a man who, after the alterative plan *alone* had failed, recovered of a bad paroxysm after copious bleeding from wounds which he repeatedly gave to his own body. I have lately read of two similar Cases.

[2] I refer the reader to Dr. Spurzheim's Plate of the Brain.

general principles of this theory, in order to afford a more extensive opportunity to those who have the care of the insane, to investigate, and thereby to confirm or to confute the particulars. I have myself constantly noticed, in examples too numerous to detail, that mad persons are often deranged in the manifestation of those passions and faculties whereof the material organs (according to Gall's and Spurzheim's division) are the largest. While I proceed with and solicit research, I do not pretend to enough knowledge of insanity to assert positively the universal application of this theory. But facts are always useful; and the publication of them, by exciting inquiry, may lead to a nearer knowledge of their causes.

THE

ANALOGY

OF THE

PHYSICAL SCIENCES

INDICATED.

BY GEORGE FIELD,

AUTHOR OF TRITOGENEA, THE THIRD ORGANON, &c.

[*Vide Pamphleteer, Nos. XVII. and XXIV.*]

ORIGINAL.

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PREFACE.

The zeal with which natural and experimental Philosophy have been cultivated since the time of Bacon, has enriched the funds of experience with so many important discoveries and particulars, that the great end of natural Philosophy is no longer impeded by want of means for its establishment upon an universal basis *à posteriori*, according to the design and anticipation of that great man.

It is true indeed that the survey for a perfect universal induction in this department is absolutely illimitable, and only to be accomplished by the united labor of all men in all ages; there is therefore no danger of enquiry being exhausted; the apprehension is rather that physics should obstruct their own progress by the multiplication of particulars on the one hand, or by too narrow and hasty inductions on the other.

It is true also that knowledge *à posteriori* thus eminently and successfully investigated in our own times, and with so much honor to the ingenious researches and industry of the moderns, must furnish the particulars for the generalogical or inductive process, without which these sciences can never be established, in harmony with experience, upon ground universally satisfactory to the mind. It has accordingly supplied a mass of materials which demands of the mind some principle of selection and rejection, upon which it may be reduced to science and order, its exuberances lopped off, and its wants disclosed.

It is not sufficient that we establish isolated sciences, nor that

one science administers to many, the principle of union upon which such administration depends must be unfolded, ere the whole body of science can move in concert.

All science (even that of the external) has its ground *à priori*, or in the mind, and to become perfectly legitimate, must be conformable to its requisitions. Every attempt however to erect the physical sciences upon such foundation has hitherto failed, and consequently little progress has been made in the *science* of the external; for the stores of particular knowledge which we possess in this department are those of Natural History and experience under the false appellation of science.

The total failure of the ancients, upon this ground, owing to the want of proper materials, has brought discredit upon their more legitimate philosophy; nor have the attempts of the moderns to generalise our physical experience, and bring it under the prescription of reason and an universal theory, notwithstanding our incomparably more extended knowledge of facts and phenomena, been by any means successful.

An attempt in which both ancients and moderns have failed, if not presumptuous in the present advanced state of natural knowledge, is at least difficult and hazardous: its nature indeed admits not of entire accomplishment; hence all we can fairly hope or require is some progress toward the perfect reconcilement of Reason with Experience, while every attempt that supplies a new light may be hailed as the harbinger and incentive to a better: the greatest obstacle will be overcome when we have attained the right road; for such is the admirable nature of truth, that we no sooner get into her track, than new lights arise, and the way widens before us.

In such attempts, however, the distinctions of ancient and modern, and the prejudices of fashion and authority are to be discarded, that while we adopt the discoveries or reject the mistakes and errors of our predecessors and contemporaries, we may neither consecrate their illusions, nor extinguish the lights they have set up; but recognising truth by its grand characteristics of unity and consistency, adopt it wherever it appear.

The following Essay aims at no more than to analogise those particulars of posterior experience which coincide with the prior requisitions of that universal theory which appears to us upon the whole to embrace facts more widely than any other, to indicate where experience is wanting, and to reconcile the discrepances of the sciences in a manner altogether the most simple. We have therein claimed for the mind so much of the labors of Natural Philosophy as accords with its own ground or requisitions, independently of any assump-

tions founded upon the illusive forms of partial and incomplete inductions: this Essay might however have been extended to a much greater variety of the particulars of nature, had it accorded with our design to have offered any more than a mere outline in the department of Physical Science.

ANALOGY

OF

THE PHYSICAL SCIENCES.

§ 1. HAVING in a former Essay[1] posited *science* upon universal principles, and traced it through its genera to its species, it remains that we investigate these species individually, and reconcile them with the established sciences from which they take their denominations; justifying our theoretic distributions by the coincidences of these accepted sciences, and the analogies of particulars and practice.

§ 2. It is true we might proceed in our analysis to the development of subordinate sciences to infinity; for the sciences are as numberless as the arts. But on this account also it is necessary that some point should be established at which our analysis may terminate; and since, in reconciling our arrangements with the received or established sciences and languages we are bound to take the latter as we find them, this point may reasonably be where analogy in name and nature would be lost between the stricter distributions of science and those of the accepted denominations.

§ 3. The point then at which we are arrived is that in which the denominations of accepted sciences accord with the stricter distributions to which we have applied them, beyond which analogy and coincidence become either defective or lost; here therefore our analysis should terminate; and since the denominations of accepted sciences denote both *Theory and Practice*, while in our

[1] Pamphleteer, Vol. IX. p. 119.

previous application of them they are considered as purely *theoretic* or scientific; we may now also further justify or confirm our theoretic distributions, as before mentioned, by the coincidences of particulars and practice.

§ 4. Now the essential difference of Theory and Practice is this, that the former rests upon *universals* and the latter upon *particulars*, whence the end of Theory is the beginning of Practice; and as there is no absolute Particularity or Universality, we may not only fix both Theory and Practice arbitrarily upon any point between these relative extremes, but we may unite them with the same latitude. Hence the arbitrary and various foundations of accepted sciences, which sprung originally from the imperfect inductions of practice and particular knowledge, and the confounding therein of *Science or Theory* with *Art or Practice*; and hence unavoidable anomalies will arise in attempting to reconcile the latter sciences with the stricter arrangements of an universal theory.

§ 5. And since particulars are infinite, and practice depends upon particulars, while our knowledge of particulars is necessarily very confined, and practice is proportional to this knowledge, it follows also that the practical confirmations of theory will be proportionably limited and vastly removed from complete.

§ 6. Under these views therefore of harmonising theory with practice, and reconciling these new specific arrangements with their corresponding acknowledged sciences, as far as our means may admit, we proceed first to investigate the PHYSICAL SCIENCES, of which first in order is

CHEMISTRY.

§ 7. CHEMISTRY, then, is that Physical Science which comprehends the *Actions*, *Passions*, and *Effects* of all *Material Substance*.

§ 8. Now it has before appeared that all Physical Effect is the result of an original Physical Agent and Patient,[1] and MATERIAL SUBSTANCE is known only in Effect, while three primary states or modifications of matter are admitted, and no more;—the *Solid*, or that state of substances in which their parts in space cohere and resist change,—the *Liquid*, or that state in which the parts equilibrate, change place reciprocally or flow,—and the *Elastic*, or that state of substances in which their parts change place and repel each other: states that are not absolute but relative.

[1] Pamphleteer, Vol. IX. p. 107. § 12.

§ 9. The sole elements of chemic matter or effect, are therefore the universal physical agent and patient, producing effects under the Solid, Liquid, and Elastic forms or states; and into these the chemic elements of both ancients and moderns may be resolved.

§ 10. The elements anciently assigned to matter were four, fire, air, water and earth. These are understood by the moderns in a *literal* sense as denoting the four distinct simple, material substances, vulgarly so called, and as concurring according to the ancients in the production of all material bodies; and by the practical analysis of these elements, modern chemists have resolved them into an indefinite number of radical principles, substances, or elements of matter.

§ 11. If however the ancients designed *originally* to denote by these four terms, not the *matter*, but the modes or *forms* of substances, preference is due theoretically to the permanent simplicity of the ancient doctrine, however justly in a practical view the labors of modern Chemists may be valued and admired.

§ 12. It appears then that the chemical elements are an *agent* producing the solid, liquid, and elastic states of matter, by the concurrence of a *patient* or re-agent, anciently denominated after those material substances in which they are most apparent:— *Action in Fire, Elasticity in Air, Liquidity in Water*, and *Solidity in Earth*, the last and most passive state, or form, of matter.

§ 13. Thus in these elementary forms there is a regular gradation from *Passivity* through Solidity, Liquidity and Elasticity up to pure *Activity*; at the same time these forms or states reciprocate; that is, are capable of changing states reciprocally by the variation of agency and re agency, so that they contain each the germ of the other.

§ 14. Thus by the exhibition of a high degree of *Agency*, as by Fire, &c. all substances in the solid state become liquid, and by a still higher agency they become elastic, &c.: for these states, as before observed, are not absolute but relative.

§ 15. Finally, as *Action* and *Passion* are cognoscible only in effect or concurrence, the Chemical Agent and Patient can be discovered in their effects alone; *it is clear therefore that the primary principles of Matter, or the Chemical Elements, will ever elude the vain search of the Chemist, otherwise than in effect or combination.*

§ 16. The above gradation, and the three states of the Agent and Patient, point out the course and mark the divisions of Chemistry. We will therefore consider Chemistry with relation to *Solids*, to *Liquids*, and to *Elastics*.

§ 17. First.—In the CHEMISTRY OF SOLIDS the Physical Patient may be considered, according to the above, as the basis, and all effects or qualities of substances in the solid state are objects of this department of Chemistry.

§ 18. SOLIDS are in their primary classes, *Metalline*, *Terrene*, and *Saline*; and to these all compound solids may be reduced.

§ 19. First in the solid or passive extreme of Substances are the METALS, which, according to our principle, are of three kinds, or participate of our three elementary forms; thus we have *Solid*, *Liquid*, and *Elastic Metals*. Of the first it is needless to give an example; of the Liquid we have an instance in Mercury, and of the Elastic in Potassium, &c. while each of these is capable, in various degrees, of changing states reciprocally; thus Zinc by the action or concurrence of heat, calorie or the Agent, first liquifies and then sublimes,—Mercury by the addition or subtraction of this agency evaporates or becomes solid, and Potassium (in its natural state elastic) by the subtraction of its active principle becomes liquid, or fixed.

§ 20. As Metals are at the base of solids the remotest effect of the concurrence of the Agent with the Patient, it is probable that all substances may be reduced to the metallic form by the abstraction of that which constitutes their activity or higher order in the gradation of substances.

§ 21. Second in the chemistry of Solids are the EARTHS, which though less examined in an elementary view, practically, are sufficiently known to justify our considering them in coincidence with this system as of three primary kinds, viz. *Argillaceous*, *Calcareous*, and *Siliceous*; or Alumine, Lime, and Silex. For though we have other terrene substances which are considered primitive, they are by no means so well distinguished as the above, and rather specific varieties or compounds thereof.

§ 22. Last in the Chemistry of Solids are SALTS, or Salines, which are of three kinds, *Acid*, *Alkaline*, and *Neutral*.

§ 23. NEUTRAL SALTS divide primarily, according to their bases, into *Metalline*, *Terrene*, and *Saline*.

§ 24. ALKALIS are also of three general kinds, the Mineral, Vegetable and Animal, or the dry or *Solid*, the deliquescent or *Liquid*, and the Volatile or *Elastic*; instanced in Soda, Potash and Ammonia.

§ 25. Finally, ACIDS may also be of three primary kinds, the fixed or *solid*, as in oxides, the *Liquid*, and the *Elastic*, as in carbonic acid gas. Or, if this be too extensive an application of the term, the liquids commonly called Acids are distinguishable by the like characters; first, the fixed or solid, as in sulphuric acid, native

in *mineral* solids; the liquid or deliquescent, such as the Muriatic and Nitric Acids, which abound in the immense liquid body the ocean, and in *Animal* nature; and the elastic or volatile, such as the acetic and *vegetable* Acids.

§ 26. Perfection in the distribution of Chemicals, our knowledge of which is still imperfect and limited, cannot, however, be reasonably expected in these first approximations of individual matters to universal forms: coincidence and analogy are all that is required.

§ 27. Secondly, of the CHEMISTRY OF LIQUIDS, which comprehends that *Medical* state or form of substances in which Chemistry exhibits its principal effects. Solids require to be brought into this state before they can combine or exert those affinities by which decomposition and new combinations are produced to infinity.

§ 28. The Agent or Fire, according to both ancients and moderns, is the principle of fluidity in substances, which is the *medial* effect of the Agent with the Patient, produced in its lowest degrees in Solids, and in its highest degrees in Elastics.

§ 29. The primary classes of LIQUIDS are the *Oleous, Aqueous,* and *Spirituous.* The first in its lowest examples as in Fat, Oils, &c. being one step removed from Solidity, and the last in its highest examples bordering on Elasticity, as in the Liquids called Æthers, each of which is capable of being both volatilised and fixed.

§ 30. In this system *Water* is the centre of chemical substances, being the medial of the medial or liquid form, and it is of natural substance the most extensively diffused, and probably the medium through which all other chemical substances are produced. Such at least is a very ancient chemical doctrine to which modern discoveries afford much support; and it is certain that Water performs a grand part in the Mineral, Vegetable, and Animal kingdoms.

§ 31. To illustrate this doctrine, and to show the possibility that two simple triform elements, the Physical Agent and Patient, neither of which can be independently exhibited otherwise than intellectually, can produce that boundless variety of substances which Nature and Art present to the Senses, it will be requisite to show that these substances are resolvable, *à posteriori* into mere Action and Re-action, or an Agent and Patient; and if this can be done in several instances, it may suffice for the establishment of a theory which reason founds upon universal principles: and it ought to suffice, because instances and individuals are infinite, and therefore beyond the grasp of man. This is the more necessary to be done because the analysis of sensible substances *à priori* will ill satisfy the Chemist and Practical Philosopher who trust

only to the decision of experiment. Let us therefore shew that experiment is in strict agreement with reason in this respect.

§ 32. *Water*, according to the accurate experiments of Modern Chemists, is resolvable into two elastic fluids called *Oxygen Gas* and *Hydrogen Gas*. These elastics, according to the same authentic researches, are each further resolvable into an *Agent* called Caloric, and a *Patient* or Base distinguished by the terms Oxygen and Hydrogen; but neither the Agent Caloric, nor the Patient or Bases, have been exhibited otherwise than intellectually, except in effect or combination. Accordingly when these principles or elements are disengaged by combustion of the Gases, or otherwise, they elude our senses till they enter into new combinations or concurrence: and this will stand as one proof *à posteriori* of the being and office of our Agent and Patient.

§ 33. In these *elastics* we have two secondary substances, composed of imperceptible principles, the one Oxygen Gas, the other Hydrogen Gas, by the union of which, in combustion or otherwise, is re-composed the *Liquid* called Water; and by the mere concurrence of Air and Water the greater part, if not the whole, of modern simple substances are produced: at all events sufficient may be instanced to justify our theory.

§ 34. Thus *Vegetables* spring up, live and increase in pure Gases and distilled Water, and in their growth and decay, develop many of those substances by the combination of which others are produced; such are Carbon, Earths, Acids, Alkalis, Metals, Oxygen, Hydrogen, Nitrogen, Sulphur, Oils, Sugar, Gums, Resins, &c. An eminent instance of this vegetable chemistry occurs in that species of Aloe, or Air-plant, which vegetates independently of solids and liquids, while suspended in the atmosphere of our apartments, growing, multiplying, and maintaining the perennial verdure and succulence of its bulky leaves, sustained by the elastics, Light, Heat and Air alone.

§ 35. Again, in *animal* nature it has been proved that Fishes will live and grow, supported simply by Air and Water, generating Lime in their bones and scales, and various other of the above substances; and, knowing as we do, that Vegetables, raised almost entirely by the mere concurrence of Air and Water, support the life and growth of Animals, we have reasonable ground for deducing the origin of all Animal substances from the same primitive elements.

§ 36. Nor is it in the Vegetable and Animal kingdoms alone that evidence of this doctrine is to be found, the *Mineral* also affords concurring testimony that even the Metals, the densest of solid substances, are in some instances the result of vegetation, and therefore ultimately traceable through the *Liquid* and *Elastic*

forms, to the conceivable, but not perceptible; elements of all Matter, required and supplied by our theory.'

§ 37. Finally, as *Mineral* nature on the other hand, is the base and support of the *Vegetable*, as the Vegetable is of the *Animal*, we have reason to conclude that there are a boundless gradation and circulation of all physical substances, and that they are reciprocally convertible.[2]

§ 38. Last in our distribution, is the CHEMISTRY OF ELASTICS. Of Elastics we recognise 1. *Vapors*, or substances rendered elastic by the external or free agency of Caloric; 2. *Airs* or Gases, permanently elastic by the internal or co-agency of Caloric; and 3. if we err not, there is another state of matter yet more subtile than Gases, in which the Agent exhibits itself in its simplest combinations or coaction with the Patient, yielding the effects of Light, Heat, and Motion; and these combinations may be called *Æthereal* or *Vital Fluids*. Vapors, Ærials and Æthereals are therefore progressive in the chemistry of Elastics, and the last the apex of Chemical and the basis of the organical or Vital Sciences.

§ 39. Of VAPORS there are, those of the *Solid* Class, or dry

[1] Of the production of the Metals immediately from animal and vegetable substances, we have recent proof in the fine chemical discoveries of the bases of the alkalis, &c. by Sir Humphry Davy; who is also disposed "to regard the Metals as compounds of Hydrogen." In support of the above doctrine it may also be remarked, that Metals are found in all Countries, commonly in the state of Ores, not in strata like the Earths, but in the fissures or clefts running through such strata; or in other cases, diffused in large masses of animal and vegetable matters brought together by the changes and revolutions which the Earth has evidently undergone; as evinced by the metallic fossils we possess so abundantly. It is also experienced by Miners that ores abound in the greatest richness at moderate depths, whence the Metals seem to rank among the products of nature designed for the use,—confined within the reach of Man, and by no means coeval with creation.

Doubtless, according to this doctrine, nature requires for the production of a small quantity of *Metal*, a very large proportion of vegetable matter, and to the production of *vegetable substances* abundance of water:—a small portion of *Water* comprises volumes of air;—*air* resolves into immeasurable expansive powers.—The power of the CREATOR is infinite!

He has accordingly assigned to our system unbounded space, and placed the Sun as His *Agent* in the centre;—the immense region of Air which surrounds us exceeds the ocean in bulk as much as a drop of water is exceeded by the airs which compose it; to vegetables He has supplied the Ocean, and to the comparatively small portion of Metals the Earth contains as the produce of Ages, He has yielded an adequate source in the successive production and decay of organised matter upon our globe: to the interior of which we may assign that Physical *Patient* or principle, presumed by reason to concur with the *Agent* in moving the planetary Bodies and in producing all the chemical phenomena of Nature.

[2] This accords with the doctrine anciently taught by Anaxagoras, the master of Socrates.

vapors, whence Sublimation; those of the *Liquid* class, or humid vapors, whence Distillation; and those of the *Elastic* class, or latent solutions of Solids and Liquids by Elastics, whence the moisture of a clear Atmosphere, Steam at a high temperature, Effluvia, odors, &c.

§ 40. The CHEMISTRY OF THE GASES, or permanent Elastics, involves the medial and principal place and products in the Chemistry of Elastics. Of these we have the inflammable or *Hydrogen Gas*, and that by which flame and fire are maintained, or *Oxygen Gas*. There are also others of an intermediate and compound nature, all of which agree in their resolvableness into Caloric or an *Active* part, and a Base or *Passive* part; the variety of the original Agent and Patient will therefore determine that of the Gases. We have already spoken of the manner in which these new and admirable results of this Science may be produced from, and enter the constitution of, solids and liquids.

§ 41. Finally, the CHEMISTRY OF ÆTHEREAL OR VITAL FLUIDS, comprehends those subtile matters which are called Electric, Magnetic, and Nervous fluids, &c. the chemical effects of which are comprised in the terms Light, Heat and Motion. Experience is so recent in this sublime department of Chemistry as hardly yet to have furnished particulars sufficiently wide and various for a base to its universal relations, yet even here we are not destitute of coincidence.

§ 42. Thus we may consider Æthereals as of three kinds or classes, corresponding to the three original states of Matter; first, *Magnetic*, in relation to the Solid, pervading the Globe; secondly, *Galvanic*, or Animal Electricity in relation to the Liquid, to which belong the Nervous and Muscular fluids; and thirdly, the *Electric*, in relation to the Elastic, permeating the Atmosphere, &c.

§ 43. Again Æthereals resolve each into two principles or states called Positive and Negative, &c. denoting their *Active* and Re-active, or *Passive* powers. Thus the Electrical fluid has been proved of two kinds or states termed Plus and Minus, Vitreous and Resinous, Positive and Negative, &c. The like of the Galvanic, while in the Magnetic these states or principles have been called Poles, but which in each case might be with equal propriety denominated Active and Passive, and objectively the *Agent* and *Patient*, which in coincidence with our original Physical Agent and Patient are perceptible or efficient only in union or concurrence.[1]

[1] This evidently harmonises with the admirable demonstration of Sir Humphry Davy "that all bodies capable of entering into chemical combination have opposite electrical energies."

§ 44. Thus we have arrived at that original *Agent* and *Patient* from which we departed, and find them to be the principles of æthereal or vital fluids which are last, in the science of chemistry, and the point of union with that science of organic nature which, for want of a better term, we call *Botany*.

§ 45. In retracing Chemistry from this point, it should appear that *Æthereals* are the principle of *Æreals*, as the latter are of liquids; and so on to substances the most passive and inert: a view well meriting experimental inquiry.[1]

§ 46. But if it be objected that we have accommodated things to our Theory, that complete experimental proof is wanting to confirm it, and that it differs widely from the received Theories deduced from accurate experiments, let it be noted:

§ 47. That all Theory consists but of relations of a general or universal kind, with which particulars agree; that particulars or individuals are infinite, and experiments, however numerous and extensive with regard to any individual, are still but partial, and to be demonstrative of a Theory they ought to be universal, which is humanly impossible; and that no general or particular Theory can be true which is not part of the true universal Theory.

[1] Of Æthereals the *Electric* is the highest in order, and we hold, that no electrical matter can be obtained unless *Air* be present; that the air essential to the development of Electricity must be free from *moisture*; that by the discharge of an electrical ball or battery, by bringing into union the positive and negative principles which have been collected or separated, *Air is re-produced or composed*; that culinary fire, like the electrical, results from a decomposition of *Airs*, the first chemically, the latter mechanically, and are attended by similar phenomena of light, &c; that friction will produce culinary fire, and fire or heat will develop Electricity; that in almost all chemical and mechanical operations, air is decomposed and Electricity disengaged; and that the Atmosphere itself, which is in perpetual motion and friction, always exhibits signs of Electricity; accordingly the cases are numberless in which it discovers itself to a sensible Electrometer. Air is inhaled and exhaled by Animals and Vegetables; the Nerves and Muscles generate, conduct, and operate by what has been termed nervous fluid and animal spirits, and the nerves and muscles are powerfully affected by the electric and galvanic fluids.

All these and many other considerations which we omit, render it highly probable that ÆTHEREALS *are the elements of the* AIRS OR GASES, and the result of their decomposition; that their difference lies in the nature of the airs decomposed; that the friction of the Electrical Rubber in *Air* may be sufficient for its decomposition and the development of its electrical principles; and that air is produced or recomposed in electrical discharges, as is also evinced by many experiments, and by the currents of air which succeed lightning.

When we consider the immense quantities of the two Airs or Gases requisite to constitute a small portion of *Water*, we shall not wonder if more extraordinary proportions of æthereals are required to engender a small quantity of *Air*; and when we contemplate the powers of these principles and the immense Atmosphere surrounding our Globe, we shall form a sublime conception of the latent powers of nature, and a faint idea of the Omnipotence of God!

§ 48. For these reasons the present must not be tried by any Theory founded on Experiments instead of Universal Reason, for such is itself but presumed, because Experiments are not Demonstrations, but only Illustrations and presumptions of Theory; and it is sufficient if our Theory be conformable to reason, and free from incongruity with facts.

BOTANY.

§ 49. The second Physical Science termed BOTANY, comprehends all that in Science which belongs to *Vegetation or the organisation of Matter.*

§ 50. The inorganic substances of Chemistry are the basis and support of the organic productions of Botany, or all Vegetable nature; and these latter in their turn become the foundation and support of all Animal or sensitive nature.

§ 51. What the *Polypi* are in animal nature the *Fungi* are in Vegetable nature; the one is intermediate between the Animal and Vegetable kingdoms, the other between the Vegetable [1] and Mineral kingdoms,—the links by which they are respectively connected.

§ 52. As chemic matter requires to be elaborated by Vegetation before it can become the food or support of Animals, *Vegetation* is the mean by which *Sensitive being* is united to the *Material.*

§ 53. Botany therefore takes, in Physics, the relation of Medium, and participates of its two Extremes; accordingly Botany is allied to *Chemistry* in respect to the soil and matter of vegetables, and to *Medicine* or animal science, in respect to their organisation and functions.

§ 54. Hence Botany may be divided into three parts or subordinate Sciences; the first respecting the *Chemistry of Botany,* or the Principles of Vegetables; the second respecting the relations of Vegetables, their Genera, Species, &c. or *Particular Botany;* and the third respecting vegetables as ends or purposes, or *Medical Botany;* together comprehending the matter, form and functions of Vegetables.

§ 55. To the first of these belongs AGRICULTURE, &c. regarding the Matrix or *Soil,* the Pabulum, and the products of Vegetables.

§ 56. Accordingly SOILS or the matrix of Vegetables, consist of the various substances of Chemistry, but principally of the Earths;

[1] It is to be desired that custom should authorise the substitution of the term *vegetal* for *vegetable,* whether used as noun substantive or adjective for if the terms *animal* and *mineral* be more proper than *animable* an *minerable,* then, by a correct analogy, *vegetal* is more proper than *vegetabl*

hence we have primarily in agriculture the *Calcareous or Chalky soil*, the *Argillaceous or Clayey*, and the *Siliceous or Sandy soil*; and secondarily, the *Marly soil*, composed of clay and chalk; the *Loamy* soil, composed of sand and clay, and (more rarely) a *soil composed of chalk and sand*; but soils in general consist of a mixture of the above three primitive Earths, and the best in certain harmonic proportions.

§ 57. It is not however to be understood, that Soils exist in this absolute simplicity; but only that they are thus relatively distinguished, since they are compounded with all the substances of nature, and in boundless variety adapted to the support of the various vegetable tribes.

§ 58. The *Pabulum* of vegetables involves the Solids, Liquids, and Elastics of Chemistry; of the first are Manures, Mineral, Vegetable and Animal; of the second, Water, medial and principal in Vegetation; and of the third Airs, Light and Heat, by which Vegetables are actuated.

§ 59. And of the *Products* of Agriculture are the various aliments, drugs and materials, which sustain the life, growth and vigor, restore the health, or contribute to the convenience, enjoyment and well-being of the animal frame. So much concerning the Chemistry of Botany, or the beginning, means and end of Agriculture.

§ 60. Secondly, of the relations of Vegetables, or PARTICULAR BOTANY, to which the term has been almost entirely confined,[1] which is medial and principal in this department of Physics. Vegetables have been distinguished into *Herbs, Trees* and *Shrubs*, and each of these into *herbaceous, flowering* and *fruit-bearing*; it is true also that every individual plant may be considered as possessing each of these latter distinctions, which are but relative to the supereminence of its foliage, its flowers, or its fruit.

§ 61. And thirdly, of Vegetable Physiology, or what we have termed MEDICAL BOTANY, as relating to the Anatomy, Organisation and Propagation, Life and Growth of Vegetables; a science yet in its infancy, and without a name. Vegetables however are in this view distinguished, externally, into Root, Stem and Branches, and internally or organically, into Bark, Ligneous Fibre, and Pith, each perhaps furnished with peculiar vessels and fluids, destined to the various offices of the vegetable economy.[2]

[1] Yet this is more properly *Phytology, or the natural history*, than the *science* of vegetable nature, though subject to the same analogy; such also is *Zoology* with respect to Animal nature, and *Mineralogy* with respect to Mineral nature, in the three grand divisions of NATURAL HISTORY.

[2] Such analogy to the organisation and functions of animals is rendered extremely probable, by the observations and experiments of many eminent Naturalists.

§ 62. But in respect to the relations, organisation and propagation of Vegetables, we have the more illustrious distinctions of the Linnean or Sexual System, according to which they are *Male, Female,* and *Hermaphrodite,*—Active, Passive and Neuter, &c.; a System, however admirable, into which we need not enter, since it is the opinion of its celebrated Author, "That there is another and more *natural method* or nature's system, which we should diligently endeavour to find out."

§ 63. And here Vegetable nature verges upon Animal nature; they are alike sexual and generative;—the seed of each is uniform in producing its kind, in all their varieties;—the Offspring resembles in each its immediate Parent, yet bears an infinite diversity of feature, so that neither Plant nor Animal exists exact in its resemblance to another: hence in each the foundation of the culture and improvement of the race: nor is the line which separates Vegetable from Animal nature distinguishable; of which the Polypus and several Zoophyte aquatic productions are remarkable proofs:—indeed the gradation throughout the universe from the lowest Matter to the highest Mind are so finely marked, as to require sight of more than human acuteness to distinguish.

§ 64. Upon the whole too little has been supplied from the particulars of nature in this department, to establish its science upon universal principles; we leave it therefore to experience to remedy this deficiency, content for the present that no barrenness of coincidence opposes our progress.[1]

MEDICINE.

§ 65. Last of the Physical Sciences is MEDICINE, or *Zoonics,* which comprehends all *Animal nature,* as Botany does the *Vegetable,* and Chemistry the *Mineral* or material nature.

§ 66. As *Chemic nature* yields matters the base and support of Vegetables, so *Botanic nature* yields Vegetables the base and support of Animals; together comprehending the three kingdoms of Nature, universally admitted by Natural Philosophers, called the Mineral, Vegetable and Animal Kingdoms, and the whole circle of Physics, or Natural Philosophy.

§ 67. Organisation and Propagation distinguish Vegetables from Chemicals; Sensation and Volition distinguish Animals from Vegetables; but while we admit these distinctions in Physics, they are not absolute, but relative, there being in each some participation of the other; hence there are a *Chemical* or material, and a *Vegetable* or organic nature in *Animal* nature.

[1] Much hope is excited that the recent ingenious researches of T. A. Knight, Esq. and others, will ere long bring to light the true general relations of the vegetable economy, and supply a hiatus but too evident in the Physical sciences.

§ 68. Accordingly Animals, considered CHEMICALLY, have in their bones and *Solids* that which is principal in their chemical or substantive nature; in their circulating *Liquids* that which is principal in their VEGETATIVE nature, and in respiration and vital fluids, or *Elastics*, that which is principal in their ANIMAL nature.

§ 69. Considered VEGETATIVELY, animals are produced seminally in their like kinds in endless succession; [1]—the whole internal organisation derives its growth and sustenance from externals, and finally they fructify sexually.

§ 70. Finally, in their ANIMAL or proper nature they have three Systems with like correspondence; the *Lymphatic* or Absorbent system, the *Sanguiferous* or Blood-vessel system, and the *Nervous* or Sensitive system, in which, by the concurrence of the Physical Agent and Patient, all the functions and phenomena of animal nature are produced and sustained.

§ 71. The chemical or material part of animals owes its being, growth and continuance to the reception of those *Passive* substances which have been elaborated by Vegetation (the food of all Animals being mediately or immediately the produce of Vegetation): the substances thus received as food are assimilated by the concurrence of an *Agent*, such as is afforded by the Air respired by Animals. Accordingly it has been determined by Anatomists that a portion of the Aliment of Animals is taken up by the Lacteals of the *Lymphatic* System and received into the *Blood*, and that the Blood passing into the Lungs, by decomposition of the Air respired, takes from it its *active* or oxygenous part, whence the heat, involuntary motion and life of Animals; and further, that, passing into the Brain, the *Nervous* System is invigorated by the *Sanguiferous*: how otherwise than by the secretion of *Active* Powers?

§ 72. In further confirmation of this doctrine let us consider the Active and Passive functions of each of these Animal Systems; and first of the LYMPHATIC or ABSORBENT SYSTEM. The Absorbents, which pervade the whole Animal System, appear to have a *Passive* office in the reception of the nutriment, &c. of Animals, by the Lacteals, and an *Active* office in the re-absorption and evacuation of the deleterious humors of the Animal frame by the Lymphatics.

This appears to be the lowest of the three functions, by which the matter of Animals is wrought and assimilated, and that which is excrementitious evacuated; its organs appear to be transfused throughout the whole vascular and fibrous structure from the intesti-

[1] Animals are distinguished as they belong to the three regions of Earth, Air, and Water, into *Beasts*, *Birds*, *Fishes*;—kinds sufficiently distinct and yet not absolutely limited, of which the Amphibii are examples; nor yet exclusively dependant upon their peculiar elements; earth, air and water being alike essential to each.

nal membrane to the Epidermis, between which there is a remarkable consent or concurrence. Upon the whole, however, this system is Passive in relation to the following.

§ 73. Again, the SANGUIFEROUS SYSTEM, more effectually enquired into, and its offices better authenticated than those of the former, is acknowledged to be *Active* in its arteries, in which the blood is charged with Active influence, and *Passive* in its veins, in which the blood is deprived of its Active part, and perhaps charged with Passive matter for emission, or new concurrence in the Lungs.

§ 74. Finally, the Brain, the root of the NERVOUS SYSTEM, consists of two parts, the Cerebrum and Cerebellum, which conjoin and form the Medulla Spinalis and Medulla Oblongata, and every nerve of the Animal System; throughout which the nerves are distributed in pairs, having two offices, the one of an *Active* kind with the Muscles, the other of a *Passive* kind with the Organs of Sense; the one producing voluntary motions, the other in receiving sensible impressions: from all which it appears that the three Animal Systems correspond in their two-fold Active and Passive offices.[1]

§ 75. To each of these systems the Creator has assigned distinct regions or abodes; to the Nervous system the *Head*; to the Sanguiferous the *Breast*, from which the principal Lymphatic organs are separated by a strong membrane, which confines them to the *Abdomen* beneath; while each is diffused throughout the whole Animal structure, whence the muscles are composed of the filiaments or branches of *Nerves*, *Blood-vessels* and *Lymphatics*.[2]

[1] As the Blood exists in the Animal structure in two opposed states, *venous* and *arterial*, so the peculiar substance of the Brain transfused throughout the nervous system, exists in two states, *medullary* and *sineritious*; analogous to which are perhaps the *Lymph* and *Chyle* of the Lymphatic system.

[2] To this analogy belongs the distinguishing features of the human temperament and character; thus the subject in whom the Nervous system predominates, is distinguished by *mental capacity*, the frequent concomitant of a feeble frame; he again in whom the blood-vessel system predominates is distinguished by bodily strength, active powers, and a *sanguine temperament*, little marked by power of mind; while he in whom there is a predominance of the absorbent system is characterised by *sensual inclinations*, equally inimical to the faculties of mind and body. Thus the source of mental capacity belongs to the *head*, that of corporeal power to the *chest*, and that of sensuality to the *abdomen*. As however no subject exists without either of these, so all partake of the influence of each, whence the infinite diversity of temperament and character by which human nature is distinguished.

§ 76. Thus the corporeal nature of Animals in general, and of Man in particular, is in *systematic harmony with universal nature;* and not only does it harmonise in system, but in progress also; thus the *Lymphatic* system and Chemical nature are first developed and matured; the *Blood-vessel* and Vegetable nature of animals next; the *Nervous* system being last in the exhibition and perfection of its functions

§ 77. So much concerning the corporeal nature of animals; but *Sensation and Volition* are principal in animals, and that by which they are distinguished from other physical objects. These we have seen are dependant upon the last and highest of the Animal functions, or Nervous system; and since the original physical Agent and Patient are the basis of all physical science, and have been traced to the apex of Chemical Elastics in the Æthereal or Vital fluids, it is highly probable, according to universal analogy, if not Physically certain, that this highest of the animal functions produces these distinguishing effects by the concurrence of the Vital fluids.

§ 78. As the Æthereal or Vital fluids vary in kind, and are respectively the effect of an Agent and Patient, identical with the original external physical Agent and Patient (whose variety of effect depends perhaps upon their essential triformity), they may belong variously to the Nerves and Muscles, whence the Active and passive offices of each, and their mutual Action and Reaction with all their effects or Phenomena.

§ 79. Hence the Physical *Agent* predominating in the Nerves may, by the predominance of the *Re-agent* in the muscles, produce VOLUNTARY MOTION; and hence the *passivity of the Nerves* may, by the concurrence of *External Agency*, produce all the effects of SENSATION, and finally, by the mutual *agency* and *re-agency* of the Nervous system in its highest office, all the phenomena of THOUGHT.[1]—The proof of which *à posteriori* implies an experience at once the most refined, expanded and profound.

§ 80. The above is in strict accordance with the principles of action, sensation and thought, which, in another point of view, resulted from universal analysis;[2] and we shall have to record in the sequel some farther confirmation of this doctrine.

§ 81. Upon animal science depends *the art of healing*, or Medicine in its vulgar acceptation, which investigates the diseases of animals and their remedies, with reference to the human animal in

[1] If so, these *active powers*,—these ultimate principles of matter, are essentially identical with and physically demonstrable to be MIND!

[2] Tritogenes, § 21.

particular; for diseases consist in the disorders, injury or depravation of the matter, organs or functions of the animal structure, and vary in kind accordingly: hence the analogy of animal nature applies equally to health and disease, and these are either universal, general or particular.

§ 82. Accordingly diseases may be considered *universally* as of two classes; 1, the *active*, in which disorder of the functions is induced by redundance of action in the animal system, arising from the too great accumulation of active power, or deficiency of passive power; and 2, the *passive* class, in which disease is induced by redundance of passive power or deficiency of the active; and these four cases compound and vary in degree, without limit, comprehending all diseases termed Fever. Fevers are accordingly universal diseases.

§ 88. In like manner there are diseases of a *general* kind infecting the Nervous, Sanguineous, or Lymphatic systems, whence nervous, pulmonary and bilious diseases, &c. And finally there are *particular* or local diseases; such are diseases of particular organs, wounds, tumors, &c.; in all which there is a greater or less affection of the general system.

§ 84. As diseases in general result from redundance or deficiency of active or passive powers in the animal System, so the REMEDIES opposed to them are *active* and *passive* according to the two original physical elements.

Thus the active and passive substances of Chemistry become the active and re-active remedies of Medicine, and it results hence that nature furnishes a remedy for every disease, and leaves it to the art and experience of man, and the instinct of other animals, to discover it.

CONCLUSION.

§ 85. Having thus sketched the outline of Physics, the science of matter and the external, whereby we have been conducted through matter to sense and thought, we have fulfilled our attempt to indicate the Analogy or form which harmonises the Physical Sciences upon universal ground, and, confiding it to the current of experience, prepare to follow it with the more demonstrable analogies of the moral and sensible sciences.[1]

By the way, however, it may be observed, in satisfaction of our pious scruples, that no religious or moral mischief is to be apprehended from a doctrine which conducts the physical or external Agent into the brain, the seat of mind, and assigns it the important offices of thought: on the contrary *it preserves from the baneful consequences of that contracted view of Nature, upon which the vul-*

[1] See an "*Essay on the Analogy and Harmony of Colors*," recently published by Newman, Soho Square.

gar materialism of the soul is founded, by identifying the original, external and internal Agent. This is the link in the chain of being which completes the universal circle and connects us with Deity. It demonstrates that All is of *One Original,* and our individual Essence a particle of the Universal, in whom we 'live, move, and have our being,' with all its Ethical consequences. In fine, it evinces the *Omnipotence* of the Creator, who could thus from the same principles produce *Matter, Sense* and *Soul!*

No analogy of Nature, no perception of Sense, no power of Reason can teach us *how Spirit can move Body,* if they have not *a community of nature or principles;* in truth, the mutual affections of Matter and Mind, Body and Spirit, are not even rationally conceivable upon the common notion of their absolute difference and independence; we are bound therefore either to elevate *Matter to Mind,* and give the Universe an Internal or Intellectual subsistence alone, as the IDEALIST does; or to sink *Mind into Matter,* and allow only a Physical or External world, like the MATERIALIST; or finally to assign them a common concurring nature; for it is not possible a reasonable being can run to the absurdest extreme of SCEPTICISM, by doubting the fact of their reciprocal action and affection.

Since therefore *Mind and Matter* cannot act reciprocally unless they have a common nature, it follows that the dispute of the Metaphysicians concerning their mutual causality is mere logomachy; but if either of these principles have superiority or precedence, it must be *mind or the active principle.*

So much for the principle of the Universe; and if we look to *its end or chief purpose,* which is Moral,[1] we must again give the precedent to *Mind;* and if, finally, between these extremes, we regard the *means or relations* by which the Universe is connected as a whole, we must also assign them to MIND, the Active, formative and ruling principle, the beginning, middle, and the end.

[1] Tritogenea, § 52.

A

MEMOIR

OF THE

PRINCIPAL OCCURRENCES

DURING

AN EMBASSY

FROM

THE BRITISH GOVERNMENT

TO THE

COURT OF CHINA

IN THE YEAR 1816.

BY THE REV. DR. ROBERT MORRISON,

AUTHOR OF THE CHINESE DICTIONARY, GRAMMAR, &c. &c.
AND ATTACHED TO THE EMBASSY.

ORIGINAL.

LONDON:

1819.

A

MEMOIR,

&c. &c.

PREFATORY REMARKS.

As individuals are improved by an amicable intercourse with each other; and as parts of the same empire are gradually ameliorated in proportion as they have an easy intercourse amongst themselves; so separate and independent nations are mutually benefitted by a liberal and an amicable intercourse. Those governments which with sincere minds endeavour to extend the friendly intercourse of nations, deserve the thanks of mankind. Whilst they pursue the good of their own country, they promote the welfare of the species.

As the productions of human labor, and of the surface of the earth, are exceedingly various, and generally superabundant in one thing, whilst there is a deficiency or a total want of another; it comes to pass that the exchange of commodities, or commercial intercourse, tends to ameliorate the temporal condition of the whole human family.

Human ability being limited, the whole business of a community is best effected by different persons devoting themselves to different parts of the general concern. The agriculturist, the manufacturer, and the merchant, are alike usefully employed; and it is probably as necessary a part of the duty of government to exert its influence with the rulers of foreign nations in behalf of its merchants, as to encourage and protect the agriculturist and manufacturer at home.

Further, as an exchange of commodities, on a small scale, is best effected under an idea of the perfect equality and reciprocity of the dealers; not under the relation of slave and master; or a dependant and his lord; so national and commercial intercourse will pro-

ceed best under an idea of the equality and reciprocity of the two countries. The idea that the one owes and yields homage to the other is likely to be prejudicial to the fair commercial intercourse between the two nations.

What are called ceremonies, sometimes affect materially the idea of equality. They are not always mere forms and nothing else, but speak a language as intelligible as words; and it would be just as conclusive to affirm, it is no matter what words are used, words are but wind; as to affirm, it is no matter what ceremonies are submitted to, ceremonies are but mere forms, and nothing else. Some ceremonies are perfectly indifferent, as whether the form of salutation be taking off the hat and bowing the head, or keeping it on and bowing low with the hands folded before the breast; these, the one English, and the other Chinese, are equally good. There is however a difference of submission and devotedness expressed by different postures of the body; and some nations feel an almost instinctive reluctance to the stronger expressions of submission. As for instance, standing and bowing the head is less than kneeling on one knee; as that is less than kneeling on two knees, and that less again than kneeling on two knees and putting the hands and forehead to the ground; and doing this once, is, in the apprehension of the Chinese, less than doing it three times, or six times, or nine times. Waving the question whether it be proper for one human being to use such strong expressions of submission to another or not, when any, even the strongest of these forms are reciprocal, they do not interfere with the idea of equality, or of mutual independence; if they are not reciprocally performed, the last of these forms expresses, in the strongest manner, the submission and homage of one person or state to another: and in this light, the Tartar family now on the throne of China considers the ceremony called San-kwei-kew-kow;[1] thrice kneeling and nine times beating the head against the ground. Those nations of Europe who consider themselves tributary and yielding homage to China, should perform the Tartar ceremony; those who do not consider themselves so, should not perform the ceremony.

The English Embassador, Lord Macartney, appears to have understood correctly the meaning of the ceremony, and proposed the only alternative, which could enable him to perform it, viz. a Chinese of equal rank performing it to the King of England's picture. Or perhaps a promise from the Chinese Court that should an Embassador ever go from thence to England, he would perform it in the King's presence, might have enabled him to do it.

[1] It is otherwise called the Kö-tow, which strictly denotes only once kneeling.

These remarks will probably convince the reader that the English Government acts as every civilised Government should act, when she endeavours to cultivate a good understanding and liberal intercourse with China; but since, whilst using those endeavours, she never contemplates yielding homage to China, she still wisely refuses to perform by her Embassador that ceremony which is the expression of homage.

The lowest form by which respect is showed in China at this day is Kung-show, that is, joining both hands and raising them before the breast. The next is Isŏ-yĭh, that is, bowing low with the hands joined. The third is Ta-tseën, bending the knee as if about to kneel. The fourth is Kwei, to kneel. The fifth, Kŏ-tow, kneeling and striking the head against the ground. The sixth, San-kow, striking the head three times against the earth before rising from one's knees. The seventh, Lŭh-kow, that is, kneeling and striking the forehead three times, rising on one's feet, kneeling down again and striking the head again three times against the earth. The climax is closed by the San-kwei-kew-kow, kneeling three different times, and at each time knocking the head thrice against the ground.

Some of the gods of China are entitled only to the San-kow; others to the Lŭh-kow; the Tëën, (Heaven) and the Emperor are worshipped by the San-kwei-kew-kow. Does the Emperor of China claim divine honors?

SECTION II.

The Embassy announced at Canton.

The British Government, in conjunction with the Honorable the Court of Directors of the East India Company, deeming it expedient to send an Embassy to China, Earl Buckinghamshire, President of the Board of Control, wrote to the Viceroy of Canton to announce the intention of his Royal Highness the Prince Regent. His Lordship's Letter arrived in the close of May 1816. Sir George Staunton, President of the Select Committee, wrote from Macao to inform the Local Government, and to request a proper conveyance to Canton, in order to present the letter. Sir Theophilus Metcalfe, a member of the Committee, Captain Clavel of his Majesty's Ship Orlando, Mr. Morrison, who then acted as translator and secretary for the Chinese department to the Select Committee, and Mr. Daniell, a member of the Company's establishment in China, proceeded to Canton, and requested an audience of

the Foo-yuen[1] (the Viceroy then being at Court), which was accordingly fixed to be on the 4th of June, the day after our arrival in Canton.

We proceeded in chairs to the office of the Foo-yuen, at the gate of which we alighted, and were led into an apartment on the left side of the great hall, in which the principal Hong merchants were waiting to receive us, and give us tea.

We had sat about 10 minutes, during which time it was negociated, whether Sir Theophilus should give the letter into the Foo-yuen's hand or pass it through another person. Sir Theophilus insisted on the first, which was granted. At a signal given the doors of the hall were thrown open, a shout raised by the attendants, and a salute of three guns fired. The Tartar General, called Tseang-keun, was present on the occasion, with a detachment of troops, forming a path up to the hall. The Imperial Commissioner for foreign trade, called the Hoo-poo (or Hoppo), was also there. Our party was then requested to proceed with the letter, which, contained in a box, was carried in form by Mr. Morrison. We walked up to the higher end of the hall, made a bow, and put our hats on again, as it was inconvenient to stand with them in the hand; after which Sir Theophilus Metcalfe opened the box and gave the letter into the Foo-yuen's hands. He received it, rose, and asked if our aged King was well, and how the Prince Regent did, spoke of the former Embassy with satisfaction, and then gave the letter into the hands of an attendant officer. On this we withdrew, returned to the door of the room we had left, and prepared to leave the palace. Puan-ke-qua, an old and active Hong merchant, who managed the announcing of the last Embassy, desired us to wait till some questions should be put by the Foo-yuen. Sir Theophilus however thought that those had better be sent to the factory; as more respectful on the part of the Chinese, and also as affording more time to give suitable answers. Old Puan-ke-qua pressed our stay in vain; then sighing, said, "Mei-yew fǎ;" there is no help for it.

Sir Theophilus remained in Canton some days, during which time various questions were brought from the Government; as, what number of ships were coming; what the Embassador's name was; what the presents were; whether the ships would come to Macao or not; what nations of Europe had been at war; what age the Prince Regent was; when the reins of Government were given to him, &c.

In a day or two the Government sent out to require that Captain Clavel, whom Puan-ke-qua had untruly represented as the bearer

[1] Foo-yuen is the second officer in a province. He acts for the Viceroy in his absence.

of Earl Buckinghamshire's letter, should remain till an answer was received from Court. A document was found on record proving that the Hong merchants had, when Lord Macartney's Embassy was announced, given a bond to Government, promising that the gentlemen who brought the dispatches there, would remain for a reply from Court. Captain Clavel would not make any such promise, as the letter in fact was not brought by him; and he purposed to leave before any answer could arrive. Sir Theophilus gave a written paper, saying, that he would remain, but the Government would not be satisfied with it, but required the Hong merchants to promise in behalf of Captain Clavel. The Hong merchants declined. They were taken to the Kwangeibow Foo's office, and detained a day or two, when, finally, they came to an understanding, by giving the bond required, and obtaining assurance from the Government, that the promise given in the bond should not be exacted of them.

This affair being arranged, Sir Theophilus Metcalfe, and the gentlemen who accompanied him, returned to Macao.

Europeans and Chinese had various opinions respecting the reception of the Embassy. Some of the first, who had means of knowing a little of the temper of the Court, affirmed that the Embassy would not be allowed to land; and Chinese of respectable standing in society were persuaded, that it would certainly not be received by the way of Teën-tsin, but would be required to go by the way of Canton; that if it did go so far as Teën-tsin, it would have to return and land at Canton.

SECTION III.

The arrival of the Embassy, and voyage to the Gulph of Pet-chelee.

On the 9th of February 1816, His Excellency Lord Amherst, Embassador Extraordinary from his Royal Highness the Prince Regent, in behalf of His Majesty, to the Emperor of China, embarked at Portsmouth, on board his Majesty's Ship Alceste, Captain Maxwell. The Honorable Company's Ship Hewitt, Captain Campbell, was laden with presents; and his Majesty's Brig Lyra, Captain Hall, was attached to attend on the Alceste.

June 23. Sir George Staunton received at Macao a letter from Lord Amherst, informing him of his arrival in the straits of Sunda on the 9th of June; and that he proposed prosecuting his voyage in a few days.

Sunday morning, July 7th, Sir George Staunton, Messrs. Toone,

Davis, Pearson, Manning, and Morrison, embarked on board the Honorable Company's cruiser, Discovery, Captain Ross, then lying in the Typa, near Macao. The Honorable Company's cruiser, Investigator, Captain Crawford, put to sea with the Discovery to meet the Embassador. The following day, the brig Lyra arrived, announcing the Embassador's approach. The Alceste and Hewit arrived off the Lemma Island on the 10th of July.

It was then found that the Embassy was constituted of the following persons: his Excellency Lord Amherst, Embassador Extraordinary, and Minister Plenipotentiary; Sir George Thomas Staunton, Bart., first Commissioner; Henry Ellis, Esquire, second Commissioner; Messrs. Toone, Davis, Morrison, and Manning, Secretaries, and Interpreters for the Chinese department; Mr. Hayne, Acting Secretary to the Embassy, and the Embassador's Private Secretary; the Honorable Mr. Amherst, gentleman; Rev. Mr. Griffith, Chaplain and Tutor; Mr. Abel, Surgeon and Naturalist; Mr. Pearson, Dr. Lynn, Surgeons; Mr. Havell, Artist or Draughtsman; Lieutenant Cooke, Commander of the Guard; Honorable Mr. Somerset, 2nd officer of the guard; Mr. Marrige, in care of the presents; Messrs. Abbot, Martin and Poole, attached to the Embassy; Guard 22, Band 12, and servants,—making in all 75 persons.

On the 11th and 12th of July the above-mentioned five vessels watered at Hong-kong, near the Lemma. Mr. Abel went on shore in pursuit of his object as Naturalist. During our stay, we received his Imperial Majesty's reply to the Foo-yuen's report respecting the Embassy; in which his Majesty declared his readiness to receive it by the way of Těěn-tsin, and stated, that he had given the necessary orders for due preparation to be made to receive the Embassy to Na-yeu ching the Viceroy of Pĭt-che-lee, and Kwang-hwuy, then Director of the salt department, at the port of Těěn-tsin. His Majesty also directed that a native Linguist, acquainted with the language and manners of foreigners, should be sent to Court, and one to the Chĕ-keang, where the ships of the Embassy might probably touch. Sir George Staunton and Mr. Morrison moved into the Alceste, Messrs. Toone and Davis to the Hewit, Messrs. Pearson and Manning remained in the Discovery.

July 13th. Our little fleet got under way with a fair wind, which in twelve days carried us within sight of Ching-shan, the promontory of Shan-tung. The many pointed hills which form the promontory presented an interesting appearance, as almost any land in fact does, after the dull sameness of sea and sky, with the unvaried unbroken line of the surrounding horizon. We kept so far out to sea as to perceive nothing of the Island Chow-shan. Our track appeared quite clear and safe.

During the passage, Mr. Morrison translated His Royal Highness the Prince Regent's letter to the Emperor of China; a list of presents, and of the persons in the Embassy, with some other official Papers.[1] On the 26th Mr. Toone was sent forward in the Lyra to Ta-koo, with a letter from the Embassador to the Viceroy of Chih-le, informing him of our approach, and requesting him to announce it to his Imperial Majesty. Copies of the above lists were inclosed, and a request made that his Excellency would send off 20 boats for the presents and baggage, and 10 boats for the Embassador and Suite.

On the 28th of July the Alceste, Hewit, Discovery and Investigator, anchored about 12 miles from Ta-koo, in about 3 fathoms water. The Lyra was nearer in shore, but could see little of the land from its being so low. Mr. Toone wrote on a piece of paper the object of the Lyra's approach, and gave it to some fishermen, that they might give it to any officer on shore, which they did, and which brought off the next morning, July 29th, inferior officers, to whom he delivered the letter to the Viceroy. Those persons asked whether we had any likeness of the Emperor on board; remembering that in the last Embassy an officer was degraded, for not going off to see the picture of Keen-lung, which happened to be in the fleet. During the next day the Lyra joined the squadron.

The gentlemen of the Lyra were astonished to find the fishermen in their boats as naked as savages, without appearing conscious of shame. Sometimes they wore a jacket over their shoulders, but had no clothing for the lower part of the body. The same was true of the trackers up to Tĕĕn-tsin. They passed crowds of people, amongst whom occasionally were females at no great dis-

[1] In those papers the Embassador and Commissioners were styled, Wang-Chae, "royal envoies," and the presents, Le-wŭh "things given from courtesy." The Chinese wish to call foreign Embassadors, Kung-she, "envoies with tribute," and the presents, Kung-wŭh, "articles of tribute." That the word Kung has long been understood as here stated, appears by the following quotation, "Kao-tsong of the Sung dynasty made peace with the Tartar King Hè-tsong, on very dishonorable conditions; for in signing this treaty, he made use of the word *Chin*, which signifies subject, and of Cong, which is tributary." (Du Halde.) It may occur to the reader that the Chinese give presents in return: true, but they call them by a very different name, viz. Shang, "a thing bestowed on an inferior." The *letters* which have passed between European Sovereigns and Chinese Emperors, have not been called by the same name. The letters brought they wish to be called Peaou-wăn "A representation made," as if by petition. The letters they give are called Chih, "An Imperial Mandate." We used the word Shoo, "A book or letter," such as passes between equals. The Chinese allowed us our own phraseology, and in speaking to us, generally used it; what they wrote on the flags of boats, or used amongst themselves, we could not control.

tance; it appeared so usual as to create no notice. Throughout the provinces of Chih-le and Shan-tung, poor boys to the age of twelve or thirteen were generally naked, standing, running about in promiscuous crowds.

August 1st. Four Mandarins of inferior rank, one a military man with a crystal button, came off to the ships, and informed us that Kwang, a Rin-chae, or Imperial Commissioner, whom we shall hereafter call the Legate, was on shore at Ta-koo. They were instructed to ascertain the number of ships, of persons in the ships, and so on; most of which questions had been anticipated by our letter to Court; but every Chinese officer wishes to inform himself of the numerical details of any affair, that he may be prepared for the interrogatories of his superior. However proper it may be for them to obtain this information, they often act improperly by annoying the same person to give often the same information.

These persons requested that some gentleman should go on shore to see the Legate, and give him such information as he might desire. It was therefore directed that Mr. Morrison, accompanied by Lieutenant Cooke, should go on shore in a ship's boat. A boat of the Discovery, under the care of Captain Crawford, and rowed by Lascars, accordingly went. The passage in is exceedingly shallow; in some places not more than two feet: Ta-koo, a poor village, is situated a mile or two from the entrance. At it there is a temple, at which the Legate had taken up his abode. It rained when we reached the beach, and we had to wait till we were announced. The officer with us was civil in endeavouring to keep us from the rain. In a short time carriages, or covered single-horse carts, were brought to the beach: we got into them, and drove off about a quarter of a mile through a very dirty road to the temple. All around was a flat, marshy, unproductive, gloomy region. We entered an inner room in the temple, and were required to send in our names, and what we were, to the still inner apartment. On being ushered in, we stepped over the threshold, walked up, and made our bow. On looking round there were no chairs there to receive us, but withoutside the threshold on the left side were placed three chairs. We went to conciliate, and therefore, though we felt the haughty reception intended, took no notice of it, but sat down.

In Chinese apartments there is placed at the head of the room, a large broad couch, called a Kang; in the middle of it stands a table about eighteen inches high, intended to rest the arm on, or to place tea on; on each side of this the two principal persons sit; the left is the place of honor. From the ends of the couch, at right angles, are placed two rows of chairs; the rank diminishes as they recede from the couch: the first in the left side row is the

highest place. To prevent persons taking a place they do not wish them, they sometimes remove the chairs, as was the case in the present instance. There were no chairs at the head of the right-hand row, but three placed, as I have already observed, withoutside the threshold. The Legate sat on the right-hand end of the couch, leaving the chief place empty for his absent colleague. At the upper end of the left row of chairs, the commander of the district, with a red button in his cap, sat; next to him, Yin, a military officer (Heĕtae) with a red button, and Chang, a civil officer (Tuon-tues) of Teĕn-tsin with a blue button. These two latter persons were to attend upon the accommodation and safe conduct of the Embassy, under the Legate and Viceroy. These two gentlemen properly bore the title of Ta-laou-yay, "Great venerable father," but in their intercourse with foreigners, were called by their domestics Fo-jin, "Great Man." The Legate and Yin were Tartars; Chang was a Chinese. Kwang, the Legate, was a little man, about 58 years of age; pleasant and conversible in his manner; but artful and fraudulent; seeking to obtain his purpose rather by negative than positive acts; withdrawing the means of comfort, ratherthan by inflicting what was disagreeable; close-minded, specious and clever. Yin was of low stature and ruddy complexion, good-natured, with a little of the feudal pride of the Tartar, and ignorant, as Tartar Chinese military men generally are. Chang was rather old, tall, thin and emaciated, it is to be apprehended by the use of opium, and debauchery. The Commander of the troops at Ta-koo was not seen frequently enough to form an opinion of his character.

In the presence of this assembly, the Legate began, in a distinct and cheerful tone, to enquire the distance we had come; whether we had touched at Macao; how long we had been from thence; whether we had met the vessels he sent to meet us (he never sent any); the number of ships; of men in the ships; of persons in the Embassy, and so on; to which he received such answers as truth and prudence suggested. The other gentlemen joined the Legate in expressing their satisfaction. He hinted that instead of seventy-five persons, fifty would be enough; to which it was replied, that to China twenty or thirty more or less could be of very little consequence; that to do the thing liberally would be handsome. He received the suggestion, and we heard no more of the objection till it was too late to alter it. He said that Chang and Yin would the next day go on board our ships to wait on the Embassador and the Commissioners. After this we withdrew, and had a dinner in the Chinese manner with the inferior officers who had been on board.

In the Temple there was an upper story, from which we had a view of the surrounding country, and of the ships in the roads. Their masts only were visible. An officer entered into conversation with Mr. Morrison, and informed him that he understood the Embassy would not remain at Court so long as the last one did: that his Imperial Majesty was going to Jĕ-ho in Tartary, and did not mean to take the Embassy thither. We heard that the Viceroy Na-yeu-ching, who had been ordered to attend to the Embassy, was since degraded and cast into prison.

We went into one of the priests' rooms to take tea, and found hanging against the wall, as idol pictures do, an European print of the Head of Jesus Christ, crowned with thorns, and a reed in his hand. Around on the Chinese paper, in the centre of which it was pasted, were Chinese characters. When requested to take it down, the priest declined, saying, that it was dedicated, and he could not take it down; but he showed to Mr. Morrison a service, in mysterious Chinese phraseology, which was read when the picture was worshipped. We remained at the temple all night, lodged upon benches covered with mats, without any bedding whatever, not even a pillow for our heads. Lieutenant Cooke and Captain Crawford being inured to bear fatigue, did not regard it; Mr. Morrison, from the want of rest, and a rough passage back to the ships next morning, was much indisposed for two or three days. The Legate intended to have given us some presents in the morning, but our rough lodging induced us to hasten our departure very early. The Chinese afterwards made an apology for entertaining us so ill.

August 4th. Chang and Yin, or as their servants call them Chang Tajin and Yin Tajin, "the great men Chang and Yin," came off to the Alceste to wait on the Embassador and Commissioners. The boats in which they came off were flat-bottomed, and usually employed to carry rice to Leaou-tung. On the deck a temporary cabin was erected for the two gentlemen. They sent before them large red cards of numerous folds, and about 18 inches from top to bottom. In the middle of the page was written their names and rank beginning with Tëen-chaou, "Of the Celestial Empire." This style of card is commonly affected in their intercourse with foreigners. Amongst themselves they write on a much smaller card their name, prefacing it with Yu-te Your, "simple younger brother," or some other expression of humility, and closing it with Tun-show pae, "bows his head and worships." At all these assumptions of greatness, of course, the Embassador was prepared rather to smile, than be angry. They were saluted as they came alongside, and remarked afterwards the tremendous roar of the guns.

Having, with some apprehension on their part, reached the deck of the Alceste, they passed through a line of marines, and were received in the upper cabin by Captain Maxwell. The Embassador and two Commissioners received them in Lord Amherst's cabin, which was below. The Embassador was dressed in his robes, and taking the centre seat placed them on a row of chairs at his left, in their apprehension the place of honor; Sir George and Mr. Ellis took the right-hand row of chairs. Chang afterwards desired his servant to hint to Mr. Morrison, that he wished to be placed on a line with the Embassador. The novelty of their situation evidently embarrassed them; they had never seen Englishmen before. As directed by the Legate, they made some enquiries about the Prince Regent's Letter; its tenor; the number of persons in the five ships; whether we would land in our own boats, or theirs; said it would be proper to practise, on our landing, the ceremony which it was the custom to observe when introduced to his Imperial Majesty. The Embassador declared his intention to practise the same ceremony as Lord Macartney did in the last Embassy, which they always designated by "the Embassy of the 58th year," it being in the 58th year of the reign of Keen-lung. They told us, that Tüh Chung-tung, the Second Minister, had arrived at Teen-tsin to receive the Embassy. This did not prove to be true. An old servant, in a loud tone, stood prompting and explaining for Yin; Mr. Morrison checked him by saying, he understood the master better than the servant. Chang and Yin, after having walked about the ship, and gone to the top of the poop, took their leave and were again saluted.

Presents of bullocks, sheep, and so on, came off in the course of the day, in the name of his Imperial Majesty.

Monday 5th. Began to unload the presents and baggage, boats being sent off by the Chinese for that purpose. Chang and Yin had not been able, from the wind being against them, to regain the shore, and came again alongside the Alceste. Mr. Morrison was sent to invite them to dinner, in the name of the Embassador. They received the message with civility, but declined accepting the invitation from a dread of passing and repassing from one vessel to the other.

Tuesday 6th. Mr. Davis and Lieutenant Cooke were sent on shore, to see that the boats were ready for the reception of the Embassy; they returned with an answer in the affirmative.

On the 7th and 8th, several official papers were prepared in Chinese. The wind blew fresh, and prevented boats coming off. The Legate sent his card, and a request to the Embassador to land. To prevent the messenger assigning an untrue reason for landing

that day, a note was written to the Legate, to inform him of the real cause, and promising to go the next day.

SECTION IV.

Landing of the Embassy, and arrival at Tien-tsin.

August the 9th. It was determined to land; and accordingly all the personal baggage was put into Chinese vessels. Lord Amherst, Sir George Staunton, Mr. Ellis and some others, went in the boat in which Chang had come off, as he offered it and seemed to wish that it should be accepted. The barge of the Alceste, boats from the Hewit, Lyra, Discovery and Investigator, were manned. About 3 o'clock every thing was ready; yards were manned; the standard of England hoisted; a salute fired, and three cheers given by the seamen. In the midst of this, the Embassador and suite left the ships, and proceeded with a fair breeze in the Chinese vessel and ship's boats to the shore. When near it the Embassador exchanged the Chinese vessel for the Alceste's Barge. The boats then formed themselves into two lines, and rowed slowly with the band playing towards the beach, on which crowds of people were collected. Within the mouth of the river, a long line of Chinese troops were drawn up, with a band, and petards to fire salutes. As we approached, their band struck up, ours ceased, and a salute was fired. Going farther up, the line was somewhat broken by Chinese boats. Crowds of men, women, and naked children lined the banks of the river; and finally we reached the place prepared for our landing; where the ebb tide was running so strong, that the small boats found it difficult to secure themselves.

There were now about a hundred and fifty Englishmen, and as many Chinese of various ranks, agreeing only in their ignorance of each other's language, and usages on such occasions, and consequently considerable confusion ensued. In each party there was probably a want of previous arrangement. The Chinese did not excel on this occasion. It was now evening; the heads of each party were to meet; the baggage was to be removed to the boats intended to receive the Embassy, and our whole party to be fed and lodged. We had indeed marked all our baggage with Chinese characters, in the hope that the Chinese would be enabled thereby to remove the baggage at once: but neither the boatmen nor porters could read, and our labor was useless. The boats were pointed out for the gentlemen, agreeably to a list we had given, but when three or four men took a box to carry it away; not being able to read, they did not know where to go to, and laid it down before they reached its destination. The work went on

slowly, and the boatmen, indifferent to any thing but saving themselves trouble, shoved off from the shore. Our defect on that occasion was the not appointing ten or twenty servants to attend to the general concern. Each servant cared only for his own master's things, and whilst he ran with one box, the other things belonging to him were turned aside, where they were not to be found by another servant, rummaging for his master's things. All this going on whilst aided by Chinese, who did not understand the English servants, caused of course great confusion. Several gentlemen did not obtain their cots that night.

Embarrassment arose also from another cause. Our stores and eating utensils, table linen, &c. had been sent on shore marked in Chinese as the Embassador's baggage, under the reasonable expectation, that it would be found waiting for him on shore. But the Legate in his haste to get us to Court before the Emperor went to Tartary, had sent off all our stores, &c. together with the presents. He made many fair promises, that they should be sent after and brought back, but did nothing more than promise. We did not obtain them till we reached Tung-chow.

The Legate desired Mr. Morrison to go to him, and began to ask several questions about the rank of the persons in the Embassy, and to request that some expressions in our list might be changed, as that the expression for Secretary, viz. Peĭh-tĕĕ-shĭh, should be changed to Tae-pĕĭh, because the first was a Tartar term, and that E-foo for Medical Man should be changed to E-săng. These verbal changes, Mr. Morrison took upon himself to say, might be made; for an answer to some other questions he referred the Legate to the Embassador; taking an opportunity, however, to suggest, that, after the fatigues of the day, it would be indecorous to trouble his Lordship with business immediately on landing. The Legate took the hint, and forthwith, in company with the military Governor of the district, paid a visit to the Embassador and Commissioners. Captains Maxwell, Hall, Campbell, and other gentlemen were present in the Embassador's boat, which made it a crowded hurried interview. The Legate carried himself with courteous cheerfulness, and filled up the time by taking particular notice of the Embassador's son, the Hon. Mr. Amherst, then fourteen years of age. The Legate affirmed on this occasion, agreeably to a message that he had sent to the ship, that his Imperial Majesty had made particular enquiries about him, his age, studies, and so on. Whether this was really the case, or whether he wished to flatter the Embassador, is uncertain.

Having returned to his own boat, he sent to say that he was about to set off for Tŏĕn-tsin that evening, if the Embassador in-

tended to return his visit.—As this appeared a hint, signifying he wished to be visited; the Embassador immediately offered to call on him, and forthwith did so, in company with the two Commissioners. The visit was short, and the vain Legate much gratified, affected to say, they carried their politeness to an excess. He set off immediately for Tĕĕn-tsin, to make preparations for our reception there; leaving Chang and Yin to urge our speedy departure: he even went so far as to request through an attendant, that we would leave by the tide, which occurred during the night: that he was told was impossible, and was accordingly given up. The gentlemen from the ships made out as well as they could during the night; some slept in their own boats. At day-light the next morning, they took their leave, and returned to their respective vessels in the roads.

It was the previous intention of the Embassador, that the whole party should dine together, and a large boat was provided, in which about twenty persons could sit down. We had however no table large enough; nor were there chairs or stools sufficient in the boat. The plate and table-cloths had been sent on before us, and we were obliged to place Chinese tables together, and make up the deficiency of chairs and stools by planks. We were in this state, till we reached Tung-chow, where we had the table in a more comfortable and respectable state, and were enabled to breakfast and dine together as long as we remained on the Canal, which was till the 12th October, when we changed boats, to enter on the large river called Yang-trye Keang.

The boats in which we were now to sail were called Nan-chuen, "southern vessels," from their being boats which came from the south with passengers of different ranks in the country. Some were fine large roomy boats, and others but small. They were divided into rooms: first was a kind of anti-chamber for servants; next, a room in which to receive visitors; and farther back a bedroom; some had four apartments, beside a place at the stern occupied by the boatmen, and used as a cooking-room. The Embassador's and Commissioners' boats were large and handsome, with streamers in the Chinese manner. Most of the others were too small for two persons, which was the general arrangement.

August 10th, 11th and 12th, were spent in passing up the river to Tĕĕn-tsin. The boats were dragged by human effort: poor miserable-looking men passed cords across their breast, over one shoulder and under the other arm, and walked forwards in a leaning posture, pulling at the end of a rope, which had its other end fastened to the mast-head of the vessel, to which they were giving motion. There are sometimes ten, twenty, or thirty men employed to drag one boat. These men

thus engaged are called Tsëen-foo: where there are not persons whose constant occupation is tracking, or where an extraordinary number is required, government impresses poor people, wherever they find them, for one day's journey; and to have them ready on the arrival of a fleet, sometimes confines them a day or a night: at one place we found a temple, dedicated to the Ming-këen shih-wang, ten judges in Hades, converted into a prison to confine the trackers over night: four of our party went to see the temple, but found its gate chained up, and the magistrate of the town's seal upon it. A Military Officer used his influence to have it opened for us; but the large group of imprisoned trackers had so manured the courts of the temple during the night, it was with great difficulty we could find an uncovered spot to tread on, or bear the strong effluvia which exhaled from the rich deposit. They commonly have a song, called the Tsëen-foo Ko, which they chaunt to inspirit them, and give union to their efforts. The greater part of it is merely the tone of exertion, interspersed with a few expressions alluding to the country they are passing, and the place to which they look as the end of their toils. One person repeats the sentences which have meaning, and the whole join in a chorus, Hei-o, Wo-te hei-o, the import of which appears to be, "pull away, let us pull away." Mr. Morrison requested a man to write down a tracker's song, and it closed by holding out the hope of a breakfast when they reached Tëen-tsin.

The appearance of the country was miserable; nothing but low mud huts were seen on the banks of the river. Crowds of people were every where collected to gaze on us as we passed: they were all of a more dark and swarthy complexion than a stranger, who considered the latitude in which they lived, would have expected to find them. The head-dress of the women was different from that which prevails in the southern provinces of China; the hair was put up so as to extend from a base on the top of the head, horizontally, about six or eight inches. A rosy flower generally decorated one side of the head of the poorest females. Whilst passing along, various expressions of civility passed between the attendant officer, Chang, and the Embassador.

August 12th. Our approach to Tëen-tsin became apparent by the increased number of spectators, and the vast collection of boats which filled the river. They were drawn to each side, so as to leave an open passage for the Embassy: the troops were drawn out below the town. Towards evening we arrived, and were brought up near a public office called San-shoo-yuen, opposite an Imperial palace, at which the late Emperor had resided some time when travelling to the south, or, as the Chinese otherwise express it, when he blessed the south; for of all places which the Emperor passes, it

is said, not that he *travelled* through it, but that he Hing-ed (i. e. blessed) it.

The moment the boats arrived, it was announced that Kwang and Soo wished to wait upon his Lordship and the Commissioners. Kwang we know by the name of the Legate; Soo was an old man, near seventy, the Shang-shoo or President of the Kung-poo, or Board of Public works, the last of the well-known Lŭh-poo, i. e. Six Tribunals or Boards at Peking, amongst whom the whole of the business of the Empire is divided. Soo had been a stout large man; he was now rather bending under the weight of years: he was marked with the small pox, and was of a rather blunt address: he commonly resigned the labor of talking to his junior colleague Kwang; though Soo's permanent rank was much greater than Kwang's; Soo was of the first rank, and wore a red button on his cap; Kwang had only a crystal one: they were however now both Kin-chae, Imperial Commissioners, which for the time being confers the greatest distinction.

Chinese gentlemen are always dressed and prepared, the moment they arrive at a landing-place, to see company; and when they reach the shore, there are crowds of visitors waiting on them. This is not our usage; and we generally require a short space of time to elapse, after arriving at a place, ere we can receive formal visitors. This circumstance more than once caused a slight embarrassment, which a knowledge of the usage would have prevented.

When Kwang and Soo were announced, his Lordship was in his dressing-gown, and said, he could not receive them at that moment, but would prepare for them in a very short time; and forthwith requested the two Commissioners to come to his boat: the Commissioners came, and his Lordship put his coat on; but when Soo and Kwang were informed that the Embassador was not ready to receive them, they said they would defer the visit till the next day, in the mean time requesting that some messenger from his Lordship would call on them: accordingly, Messrs. Toone, Davis and Morrison waited on them, and being seated, the Legate desired them to invite his Lordship and the other gentlemen of the Embassy to an Imperial Entertainment the next morning early; however, nine o'clock was finally agreed on as the hour; it being deemed prudent on our part to breakfast at home, before going to the formal repast to be given in the name of the Emperor. Soo and Kwang further requested that they might be favored with a copy of the Prince Regent's Letter to the Emperor of China, that they might forward it to Court. To this request it was replied, an answer would be given the following day.

Tuesday, August 13th. At the hour appointed, the Embassador, Commissioners and gentlemen of the Embassy, went in procession to the Hall of Chang our conductor, which was situated in the town, or as it is called in Chinese, (differently from other towns) the Wei, of Tëen-tsin. The band preceded; next followed the guard with colors flying, headed by Lieutenant Cooke, and the Honorable Mr. Somerset, on horseback; the Embassador in his robes followed; the first Commissioner dressed in a Fellow Commoner's gown and cap, and the second Commissioner in his Windsor uniform, succeeded; the Honorable Mr. Amherst, and gentlemen of the Embassy in sedan chairs, closed the procession. The Hall where the entertainment was given, was about a mile from our boats. The streets were crowded by people, who by order of Government preserved a profound silence; the Legate seemed to take credit to himself for its being so, by asking, at the interview, if it were not so.

On entering the Hall we passed through a large room, in which were various preparations for a play and a feast. Five of the party, the Embassador, two Commissioners, Mr. Amherst and Mr. Morrison, were conducted by a side door to an inner apartment, in which Kwang, Soo, and four Tartar Secretaries from Court, were waiting our arrival. The other gentlemen remained without, amusing themselves by surveying the ornaments of the outer court. Within, the Tartars took the left side of the room, and gave to the English the right-hand side. Kwang, after a few common civilities, said, that we were about to partake of an Imperial Feast, in which they would join with us, and that it was the custom on such occasions, first to give thanks to his Imperial Majesty, and then sit down to the feast; and that in giving thanks it was wished we would imitate their manner of doing it, which was by performing the San-kwei-kew-kow before a table at which his Majesty was supposed to sit. On the other side it was replied by the Embassador, that he felt the highest possible veneration and respect for his Imperial Majesty, and would cordially return thanks for the entertainment about to be given, only he would wish to do it in the way that was usual with the English. In his Imperial Majesty's presence he would kneel on one knee and bow the head; which, with the addition of kissing the King's hand, as a mark of affection, was what he did to his own Sovereign; that the Tartar form was exceedingly proper for the subjects of the Emperor of China; that though our form was different, they must not infer that we were less respectful. On the present occasion the Embassador was prepared to make a low bow, as frequently as the Tartar gentlemen

knelt; to preserve a decorous and uniform appearance, and for that reason alone, as in his apprehension he paid as much respect by bowing once as by bowing twenty times.

The Legate said, "the feelings of the heart must be expressed by some externalsign:" "granted," it was replied; "our mode of expressing them is that we have mentioned: and it is the mode which the King of England has commanded the Embassador to follow, as the present Emperor's father was pleased graciously to accept that mode from Lord Macartney." Soo at first affirmed, that Lord Macartney performed the *Tartar ceremony*, (as, for brevity's sake, we shall hereafter call the thrice kneeling and nine times striking the head against the ground,) and referred to Sir George Staunton's recollection to confirm what he said. On further conversing, however, he admitted, that Lord Macartney performed our ceremony, the first time he saw the late Emperor; but at a subsequent period he performed the Tartar ceremony, in consequence of Keënlung being displeased with the first mode. When asked at what place the performance of the Tartar ceremony by the late Embassador occurred, he was unable to say.

The Legate then proceeded to say, that the Tartar ceremony was indispensable: that without it our intentions by the visit, which were he believed to cultivate amity, would be unaccomplished, and a contrary effect produced. The Legate was assured that his view of the intention of our visit was correct: and it was sincerely hoped no such consequences as he apprehended would occur; the Embassador had too much confidence in the gracious disposition of his Majesty to anticipate any such result; his liberal mind would certainly accept what was graciously accepted by his father; for we must still use that language, as Lord Macartney was never made to know, that Keën-lung was displeased with the ceremony which he performed. Kwang said, "the Emperor would be angry with the King of England;" the gentlemen interpreting replied, "that will be so offensive, I dare not say it;" "well then," added he, "do not mention it;" and it was accordingly reserved to be communicated after the conference was closed.

The Embassador apprehending that we could not come to an amicable conclusion with the argument, in which one of the Secretaries, a smart young man, sometimes joined, proposed to dispense with the banquet that morning, and resume the subject on our arrival at Peking: the Legate said to that, "we will not be violent this morning; return thanks in your own way, and whatever it be, we shall report it to Court, as is our duty, and wait for his Majesty's pleasure; you will give offence if you do not conform; we warn you of the consequences: do not reflect on us hereafter." Old Soo joined in, "do not reflect on us hereafter." The Em-

bassador assured them that he had a strong reliance on the gracious acceptance of his Imperial Majesty, and whatever occurred, he should by no means reflect on them. Kwang thought we began to waver, and sat it out a little longer; urging over again the same arguments as before. As they did not succeed, Kwang said, "we will return thanks, each in his own way—do not view our form contemptuously;" and we rose to go to the feast prepared; when we came to the door of the room, the little Legate turned round, (old Soo being before him) and screwing up his arch mouth, to be very serious and impressive, said, "do conform! imitate us! if you do not, it will not be well!" of course it produced no change in the Embassador's resolution; who, when he entered the banqueting room, desired the gentlemen, who had waited long, and began to apprehend all was not right, to do what he did in point of ceremony—neither more nor less.

We were conducted to the lower end of the room, at one corner of which was a table with a semicircular screen behind, and a piece of yellow cloth hanging before. Soo and Kwang had some difficulty in deciding, which was the proper order in which the Embassador and Commissioners should stand. It being finally settled, a master of ceremonies gave the word; on hearing which, Soo and Kwang knelt down and put their foreheads to the ground, raised their bodies erect on their knees and then put the forehead down a second time, raised the body again, still kneeling, and a third time put the forehead to the ground. When their heads went to the ground, the Embassador made a low bow standing. This was done a second and a third time, and constituted the San-kwei-kew-kow, "three kneelings and nine prostrations." This being over, we advanced to the higher end of the room to sit down to the banquet, and the play began.

The upper end of the room was raised about a foot higher than the lower end, with pillars marking the limits of the former; three low cushions were placed on the right-hand side for the Embassador and two Commissioners. On the lower floor were pieces of red cloth in a line with the cushions, for the gentlemen of the Embassy. Soo and Kwang sat opposite to the Commissioners, and on the lower floor, on a line with them, were two or three military men, the Tartar Secretaries, and Chang. We were compelled by this arrangement to sit cross-legged. Some of our party, incapable of this, stretched their legs under the tables; which was not easy to effect, as the tables were not more than twelve or sixteen inches high. Each table had a false top removeable at pleasure, and by this means the whole was taken away, and a new course brought on at once. The repast was not continued long. The Tartars ate little, as they had probably, like our-

selves, breakfasted before. The dishes were in very good style; but from the aukward posture in which we sat, it was a most uncomfortable meal. Kwang and Soo gave the signal for taking wine, which in China is done by the whole party at the same time. The play, as is usual in China, went on all the time of the banquet. It seemed a mythological piece, in which the monsters of the deep are introduced. The dresses were splendid.

When we rose from the banquet, a large collection of various coloured silks were presented in the name of his Majesty, for which we expressed our thanks, and the party which at first were in the interior apartment again retired thither. The Legate entered again on the subject of the ceremony, with arguments similar to those already mentioned. The young Secretary showed an outline of the manner of our intended reception, and spoke much of the gracious disposition of the Emperor; that we should be admitted to an Imperial Feast, a play, and see the gardens, and so on. The Legate tried to work on the feelings of the Embassador as a father, and desired him to have a due regard to the welfare of his son, Mr. Amherst, then present, who in the case of compliance would be blessed with the gracious regards of the Great Emperor; which ideas all met with appropriate answers in the tone of perfect cordiality. The Legate wished to ascertain exactly the form of our ceremony, and desired the Embassador to show him. This was a request that could not well be complied with; but to enable him to see the form, and to accommodate as far as possible, Lord Amherst caused the boy to kneel down on one knee, bow the head and kiss his father's hand; "this," said the Embassador, "is our ceremony, and to perform it once we consider as strong an expression of veneration as to perform it twenty times; if it be his Imperial Majesty's wish that I should repeat it nine times, rather than perform it once, I will cheerfully comply with his wishes in that."

We now prepared to take our leave, and a copy of the Prince Regent's Letter to the Emperor was given to Soo and Kwang, for the information of the Ministers, at their very urgent request.

The Embassador and suite returned to their boats in procession, as on their way to the Imperial Banquet. Some thought that a victory had this day been gained; but the less sanguine did not cherish any high expectations from what had occurred. Chang afterwards informed us that the Emperor was in a great rage, when he heard that we stood, whilst his own people were kneeling and knocking heads.

A gratuity was here offered through an attendant officer to the bearers of the chairs; the officer reported it to Kwang, and he would not allow the people to accept it. He always maintained

a high tone of affected purity in prohibiting the reception of any present by his own people. The poor men who labored for us in any way, were afterwards rewarded by ourselves, without the intervention of any officer, and in that way the reward was conferred without the ostentation of conferring it.

The Chinese attached to each boat a military officer and two soldiers. Sometimes men wearing a crystal or a blue button, were attached to the Embassador's, at other times officers wearing a white stone button. In the province of Chĭh-le (for so the province usually called Pechele is more familiarly denominated) a middle-aged robust man, who held the rank in China called Pa-tsung, was attached to his Lordship's boat. His name was Kŏ, and to have given him his proper title he would have been called Kŏ-Foo-yay; but as his title was unmeaning to the most of our party, and it was difficult to distinguish him by the single syllable Kŏ, he was denominated Commodore Kō. He was a bustling man, and nerally ready to oblige; at least was considered so for a long time: further acquaintance made many doubt this, and he obtained the appellation of being "a good old soul, and a big old rogue." Commodore Kō will always be remembered by most of the gentlemen of the Embassy. Chang also put two servants into the Embassador's boat; who were well-meaning and useful men. One of them obtained the appellation of "old blow-hard," from his being short of breath; the other was too sedate and quiet to acquire any ridiculous epithet. Chang also attached to Mr. Morrison a faithful active young man, who assumed the character of a Shoo-pan, or writer in public offices. These three persons would have accompanied the Embassy to Canton, had not Kwang set his face against it, agreeably to what appeared to be his uniform system of discouraging a free intercourse with the natives, in order to prevent our obtaining information respecting the government or country.

At Tĕĕn-tsin many of the gentlemen felt much the want of musquito curtains, and there was not time to have them regularly procured. Commodore Kō went, as he said, amongst his friends, and obtained several pairs, for which he charged a rather exorbitant price.

SECTION V.

From Tĕĕn-tsin to Tung-chow.

August 14th. We again were put in motion to proceed to the Capital. The well-known grain boats were here seen in consi-

derable numbers, and, from their uniform structure and decorated sterns, presented an interesting spectacle. They go in large fleets. Wherever they occurred, they were moored on one side of the river, to allow the Embassy to pass. On common occasions every other species of vessel must give way to them; they stop for no man: the progress of grain to the capital must not be delayed. A scarcity of water in the course of their voyage sometimes impedes them: it is, however, always an affair seriously taken up by government.

In the evening Soo and Kwang called on the Embassador and Commissioners; they returned the copy of his Royal Highness the Prince Regent's letter, and said it was a good letter. They objected only to the term Hwang-kaou applied to the late Emperor. It is, they said, not the usage to speak of him by that term. Also the word Heung, "brother," from the Prince Regent to the Emperor, was inadmissible; they could not take upon them to forward it to Court, and begged that the words should be taken away altogether. To this no positive answer was given. They again insisted on the happy effects of conforming to the ceremony, and contrariwise. Old Soo threw out, in a rather gruff tone, that the Russians had been rejected for their non-compliance, and their commerce interrupted; and hinted that it would be the same with us. He was told that in comparison with national honor that was a small matter. The interruption of commerce was never again mentioned by him or any other person. Kwang threw out what his own better knowledge would scarcely let him utter, viz. that as there is but one Sun in the Heavens, so there is but one Sovereign in the world; which Sovereign is the Emperor of China; to him all kings owe homage and submission. It excited a murmur on the other side, but was too ridiculous to be seriously opposed. It was merely said, that was not admitted.

About this time the two Legates Soo and Kwang entreated to be favored with a sight of the gold box containing the Prince Regent's letter; they were accordingly favored with it one evening. They asked anxiously whether the translation was to be inclosed in it, and were answered in the affirmative.

August 15. In the morning, Soo and the Legate called, and said that his Imperial Majesty had sent down an order to dispense with the Band. They showed a copy of the imperial edict. As usual, the Emperor had interlined with red ink one of the Legate's dispatches in reference to the Band; "these may be withdrawn." This was thought a strange remark, and rather indicating a weak capricious mind. It was said to the Legate, that the Band were few and innocent; that to separate them from their companions, and deprive the Embassador of the pleasure of hearing them, was ungracious;

he was begged to represent it again. Kwang asked of what use they were; he would take care and send them down safely to the ships. As to the use, it was replied, they were just of the same use as many other things which contribute to innocent amusement and ornament. The ships, the speakers knew, were probably gone, but they evaded saying any thing about them. The conference broke up without any final decision of the question. The impracticability of sending them back soon appeared, and nothing more was ever said about them. From the cheerful effect which they had on our own party, and the great interest they excited amongst Chinese of all ranks, they proved a most useful part of the retinue.

In the evening, a message came to say that Soo and Kwang proposed to call immediately. They were accordingly requested to come. When Kwang reached the head of the boat, anger was evidently marked in his countenance. He was scarcely seated ere he said, that they had heard with surprise the ships had left. Provisions had been carried off to them, but they were not there; where had they gone? Where they were at this moment, it was replied, was not known. Every person knew very well that for such large vessels the gulf of Pe-che-lee was very unsafe; that whilst the Embassy lay there much apprehension was felt for the safety of the ships. It was extremely difficult to go to the southward against the monsoon; and the ships would probably precede his Excellency, as in the last Embassy. Kwang said he knew the unsafeness of the anchorage, but they ought to have been informed of the intention to depart; and his Majesty's permission obtained, as in the last Embassy: that we had been guilty of a Pŭh-shé, i. e. doing what is not right. It was said in reply, had the question ever been asked, a candid and direct answer would have been given: if there was any fault, their's was the fault in not asking. The Legate said that the tenor of his conversation, in frequent allusions to the ships, supposed their remaining; and if they were not to remain, it should have been said so: he supposed the Embassador intended it, and the fault rested with the person who had been the medium (turning at the same time to that person, and holding up his finger, said), "it is your fault." That person, a man of warm temper, and who had given his opinion against doing any thing that could be construed by the Chinese into a want of perfect candor, and against silence respecting the ships in particular, said, "If I must be accused thus innocently, I'll be the medium no longer;" drawing back at the same time in his chair. Soo then took up the conversation with another gentleman who spoke Chinese. Kwang, looking at the Embassador, pursed up his old-fashioned mouth, and put his fingers on it, signifying he was now dumb, from not knowing a language common to both. The Embassador, always of a conciliating disposition, said something in favor of the

integrity of the person who had been interpreting, which was communicated through another medium to the Legate, and added, "We will lay aside mutual recrimination, and discuss the question amicably:" the person accused communicated this, and Kwang resumed his usually cheerful good-natured tone of voice. It was finally agreed that the ideas mentioned above respecting the unsafety of the anchorage off Ta-Koo, &c. should be committed to writing in Chinese immediately, and sent to the Legate to be forwarded to Court. This was done, and the question of the ships set at rest. The Commanding Officer at Ta-Koo was degraded for not having given the first information of the departure of the ships; and Chang was ordered to go and inquire on the coast of Shan-tung about them. He used effectually his influence at Court to have this order dispensed with.

August 16. Early in the morning a messenger came from Soo and Kwang, saying that they had received from Court an imperial edict of importance, which they wished to communicate. The Embassador and Commissioners were scarcely out of bed; but they rose immediately, and sent to say when they were ready. Instead of the Legate and Soo coming, the conductors of the Embassy, Chang and Yin, came, and being seated, said, "The purport of the Emperor's edict is this—By conforming to the Tartar ceremony, viz. kneeling three times and nine times putting the forehead to the ground, you may proceed to Court and be graciously received;—if you decline to conform, neither the tribute nor the Embassador can be received—you may return; say, "Yes or no." Lord Amherst and the two commissioners declined giving an answer to the conductors of the Embassy. They said, "We rose from our couches to receive the Imperial Commissioners, Soo and Kwang; we wait their arrival." Chang and Yin urged, but urged in vain, that an answer should be given them to the message they had brought; alleging that to send them back without an answer, put them in an unpleasant situation, inasmuch as it made them appear useless. The Embassador however was firm, and they were obliged to depart without an answer.

Soo and Kwang then came, and delivered the purport of his Majesty's will in much the same terms, and closed by asking what was to be done. It was proposed that if some of his Imperial Majesty's Ministers would perform the Tartar ceremony before his Royal Highness the Prince Regent's picture, the Embassador would perform it before the Emperor; Kwang said, with a countenance half sneering and half dissatisfaction, "To what are we to perform the ceremony? we are not sent to England—if we were, we would not object to perform it." This last expression was taken hold of, and replied to thus: "If the Emperor will in writing declare it to be his

will, that, in case of an Embassador going to England, that Embassador shall perform the Tartar ceremony, I will perform it to the Emperor."

The fact is that all such propositions, as they imply a perfect equality, are more offensive to the Chinese and Tartars than declining to perform their ceremony. Kwang said that he and his colleague Soo did not dare to make any such proposal to Court; such a question could not be discussed as between equal states.

The Embassador urged that such a statement as he had made brought round an arrangement in the last Embassy, and it might do so now; the Emperor Kang-he had himself proposed something similar in his time, in reference to the Russians—if the Legate and his colleague would not transmit any statement of the Embassador's views, he must charge the rupture on them. They replied, "We have already incurred a Pŭh-she, a charge of having done wrong, from his Imperial Majesty (the Ta-hwang-te), and we dare not make any such proposals: if we be withdrawn, and other persons appointed, perhaps those persons may take upon them to transmit such sentiments; we dare not."

As to the case of the Russians and Kang-he, he had heard something of that Emperor's causing a person of inferior rank (about the third degree) to perform the ceremony before an altar, on or behind which an image of the God of the Russians was placed; but he believed it was merely traditional; it was not found in any authentic records. Kwang, in broken interrupted language, hinted that we could perform the ceremony, and represent it in England as we pleased. To do one thing and say another was declared to be impossible, and the Legate did not mention it again.

Old Soo dwelt on the happy effects of conformity, viz. being invited to an Imperial Banquet; seeing a play, and walking in the gardens. To receive homage, and to display its own pomp and grandeur, are the objects which the Chinese Court proposes to itself in admitting foreign Embassies. The bad effects, Soo added, will be your going away in disgrace, and a stoppage of the trade between the two nations; as had been the case with the Russians. The last clause was uttered in an under tone. To his tone of intimidation a high tone was opposed, and it was said that the stoppage of the trade was comparatively a small matter—since they would not accept of any of the above proposals, nor yet transmit a paper from the Embassador, or his sentiments in their own form, so that they might reach the Emperor's ears—since they refused all these, and affirmed that the result of any thing less than unconditional compliance must be his departure, he was ready to depart—and in this abrupt termination of the negociation still thanked them for their personal civilities—he did not reflect on them.

In all these conferences Kwang adopted the privacy of English usage. The Chinese affect to do every thing in public with a crowd of attendants around them. He could not well order out his own people; but he often desired an English gentleman present to keep them out.

It was now determined that the boats should turn about, and go down the stream to a more convenient anchorage, there to wait for the return of the presents and baggage, (which had been hurried on to Tung-chow,) as well as for further advices from Peking.

We were within about thirty miles of the capital of China. At breakfast, the Embassador mentioned to the gentlemen of the Embassy the alteration in our destination which had taken place, and which, when the gentlemen had returned to their own boats, was carried into effect. The Embassy fell down the stream to a pleasant situation on the left bank of the river, called Tsae-yuen, "the vegetable gardens."

The dispatches from Court at this time were, according to poor old emaciated Chang, what he called, grinding and gnashing his teeth as he uttered the words, Yentĭh h'hăn, "extremely stern and severe." The compliment paid them, by sending nearly half the circumference of the globe a man of high rank from an independent, powerful and enlightened country, with rich presents, prepared to use the most respectful language, and go down on one knee to the Sovereign;—is all rejected, and a peremptory demand made that he shall perform an act of homage, such as they exact from the smallest, weakest, and most uncivilised state in the petty islands of the Soo-loo Sea.

Such was the demand; compliance was refused; and the threat of rejection began to operate. During the whole of the 16th we remained at Tsae-yuen; most of the gentlemen walked on shore at a small distance from the boats. In the mean time the government seemed to have made up its mind to try the British Embassador a little further.

August 17th. In the morning Chang, Yin, and the young Secretary mentioned above, waited on Lord Amherst and the two Commissioners, to say that the two propositions made yesterday were such as they did not dare to report to the Emperor, nor even to mention when in his Majesty's presence. However, they would again write to court and intreat his Majesty to accept of the Le, or ceremony proposed by Lord Amherst, viz. to kneel on one knee and bow the head three times; which act, in compliance with the Emperor's wish, would be repeated thrice. An official note, promising to do this, was required and given. It was however distinctly specified that this Ta-le-grand ceremony could be performed no where

but in the Emperor's immediate presence; that the Embassador did not like the idea of (Yen-le) practising any ceremony, as he had been many years familiar with the forms of a Court. After this arrangement, our boats again got under weigh to ascend the stream, and proceeded towards Pe-king.

During the 18th and 19th no business was transacted; other men were now to take the lead, and to try what rank higher than the Embassador's, and a still more haughty manner, could effect on the Englishmen. In taking this measure, the Tartars greatly misunderstood the English character.

SECTION VI.

Proceedings at Tung-Chow and Yuen-ming-yuen.

August 20th. In the evening, the boats of the Embassy came to, at the distance of about two miles from Tung-chow, near a temple at which the last Embassy was lodged, but which was now to be occupied by other guests from Court. The boats lay together in a very crowded manner, owing to the narrowness of the stream, which ceases here to be navigable, at least to such boats as those employed for the Embassy.

Here, according to the custom of China, Soo and Kwang waited our arrival. It was too late to desire the Embassador to leave his boat; but they requested that Mr. Morrison would go and see the Kung-Kwan, or house prepared by Government for the reception of the Embassador. It was a house which had been occupied by trading people, and was fitted up for the present occasion: within the gate was a small court-yard, next a range of buildings with a passage in the centre to another court-yard beyond, in which was the principal apartment, designed for the Embassador. On the left side of the court-yard there was a gate leading into another yard, in which was an inferior apartment. The Embassador's was divided into three rooms; Soo and Kwang were standing there when Mr. Morrison arrived on horseback, accompanied by Gen. Yin. "You see," said the Legate, "how gracious the great Emperor is, in ordering so good an apartment to be prepared." It was replied, "No doubt the Embassador is fully sensible of his Imperial Majesty's goodness; many thanks to him." The Legate himself however thought the apartments would not contain all the suite, some would be obliged to remain in their boats; indeed when the house was examined by the gentlemen, most of them preferred remaining in their boats. The Legate proposed pitching tents in the court, which he did, and which were occupied by the Officers of the Guard.

The next morning, August 21st, the Embassador himself went on shore to see the house. He determined on remaining there during the day, and perhaps sleeping in his boat at night. Chang and Yin were very importunate that the principal persons should sleep on shore as a compliment to the Emperor, and it was finally acceded to. The Embassador and Mr. Amherst were in the chief apartment. Sir George Staunton and Mr. Ellis took possession of a large room near the gate, which they divided by a curtain; Mr. Morrison tried to occupy the apartment on the left of the court-yard, and remained in it one night; but it was so close, and smelled so strong of the incense which had been burnt in it to idols, he returned to his boat. These apartments had couches built with brick, on which was laid a coarse felt covering, and underneath was a place to put fire, in order to warm it in the winter season.

All the gentlemen of the Embassy dined and breakfasted together under a mat shed before the Embassador's apartments. Two of the guard stood sentry constantly, and at meals the band played. The natives climbed up to the middle of surrounding trees to see the table laid, and to hear the band more distinctly: many officers, and those of better condition, were admitted to the court-yard. The collection of officers, civil and military, wearing blue and red buttons, was considerable through the whole course of the journey. The Jĕ-naou, "heat and bustle," as the Chinese term it, was much greater, they said, than when the King of Cochin China, in person, went to Court. The weather was now very warm, and their figurative expression for a great concourse of people was also literally true.

August 21. In the morning, the active Tartar Secretary came to announce the arrival at Tung-chow of Ho Kung-yay, "Duke Ho:" his name in full is Ho-she-tae, which, if translated, would be "Ho, great in his generation." He is brother to the Empress; was made a Duke for his services during the attack on the Palace by the rebels in 1813. He was about 35 years of age, of the middle size; stout, and possessing apparently great bodily strength and warmth of temper. Kwang afterwards charged the Emperor's barbarous conduct to the Duke's youth and self-confidence, supposing the English would yield to him. He then held several important situations, the chief of which was Le-fan-yuen-shang-shoo, "President of the Board for Foreign Affairs;" principally the territories on the western part of the Empire. With him came from court, Mŭh; the Le-poo Shang-shoo, President of the Board of Rites, a thin old man, who never spoke a word at any conference, and who was hence denominated by the English "the silent Mŭh." Soo, the Kung-poo Shang-shoo, "President of the Board of Public works," and Kwang still remained, but now took the lowest place. There

are in China but *seven* of the Shang-shoo or Presidents, and *three* of the *seven* were now to confer with the English Embassador, and finally destined to be dismissed from their employments on his account.

These persons, as well as their Secretaries, were all Tartars, who were, throughout, the responsible persons to whose care the Embassy was committed; the lower and laborious departments were generally filled by Chinese. The term, which the first of these adopt to express themselves, is Ke-jin, or, as they pronounce it, Che-jin, "A man of the Standard or Banner," or Ke-hea-jin, "A man under the Standards." The latter call themselves Han-jin, "Men of Han."

The young Secretary being seated, said, that the Duke had that moment arrived, and was then washing his hands: this requiring noanswer, a short pause ensued, and he went on to give the Duke's character; that he was a man of few words; but with him it was a word and an act; very different from the easy and little-meaning loquacity of some persons. If he meant, as he probably did, that on his announcing Ho, the Embassador should propose to pay him the first visit, this intimidating speech was not the way to carry his point. The Embassador merely said, "Very well; I am informed of the Duke's arrival." With that answer the messenger went away.

It was next announced that several persons, five or six, were coming from the Duke. It was of course intended to give them a civil reception. Accordingly the second Commissioner walked down the steps from the Embassador's apartment to meet them, and made a bow to one of them, a very tall man, who appeared to be the principal. They were all in their court dresses, and court beads round their necks. The man to whom Mr. Ellis bowed, so far from returning it, rushed past him with large strides and an affected grave, stern look, bounced up the steps into the chief apartment, and, followed by his comrades, took the principal seats. During all this not a word was spoken; but every person already felt highly indignant, yet said nothing. The Embassador completely overturned the idea of giving them the precedence, by putting the English gentlemen above him, and himself taking the lowest place. These persons were afterwards nick-named "The lads of Moogden;"[1] and by that name we shall now denominate them. Two only spoke that day. The very tall rude man first, and he who took the second place, a prim, thin-lipped, shrill-voiced, pock-marked man. The tall man began, Na yih ko she Ching kung she, "Which one is the principal tribute-bearer?" The Embassador was pointed out, with the reply, Na yih wei she Ching Wang

[1] Moogden is the capital of Manchow Tartary.

Chae, "That person is the Royal Envoy." He then proceeded in a tone affecting great sternness and dignity, "The ceremonies of the Celestial Empire are of vast importance, and indispensably binding; the Tribute-bearer is required to attend to-morrow morning in order to practise. The Embassador replied, "I am not prepared to attend for any such purpose; when I see the Duke I will converse with him on that subject." The prim thin-lipped lad then put in his word, and asserted the vast importance and indispensably binding nature of the ceremonies of the Celestial Empire. He received the same answer as his haughty colleague. The English generally felt very indignant at the Lads of Moogden for the insolence of their manner.

These men, however, were merely acting a part. It was expected that a stern haughty manner and lofty pretensions would have awed the then unprotected foreigners into submission. The Lads of Moogden would have fawned and flattered if they had been told to do so; as they smirked and cringed on a subsequent day, when the policy was for a while altered.

Having received their answer, they rose and rushed out of the room as they entered, without taking leave.

The tone of intimidation, however, was not yet given up; it was to be tried again.

The next day, August 22, a request came to the Embassador from the Duke to meet him, not at either of their apartments, but at a third place, in the city of Tung-chow. Lord Amherst and the Commissioners accordingly consented to go thither. This attempt to wave the question of precedence was thought to augur well. In the mean time, however, it was deemed proper to prepare in Chinese a sealed Memorial to the Emperor himself, in case of an unfavorable issue of the conference. In it was expressed the greatest respect and veneration for the person of his Imperial Majesty, as the Sovereign of so great an empire. The ceremony with which it was proposed on the part of the British Embassador to enter his august presence was stated, and his Majesty prayed to accept of it, or to signify his gracious pleasure respecting its return. This document the Embassador took in his pocket.

The day became overcast and rain fell: the party waited some time, in the hope that it would clear up; but contrariwise, the rain increased. The Duke and his party had already gone some time to the city; and it became necessary at last to brave the weather. Four or five persons went in chairs, and others in one-horse carriages, in which they had foretaste of the distressing jolting afterwards to be suffered on their journey to Yuen-ming-yuen. The Officers of the Guard rode on horseback, and got completely drenched. The road to the town was dirty and slippery to a degree that could be exceeded by nothing but the streets of Tung-

chow, where the poor creatures who carried the chairs were up to the knees in water. The party finally arrived at the Heŏ-yuen, or Literary Hall of Tung-chow. There was no anti-chamber in which a person could sit down; and the Embassador had to stand a few minutes till our arrival was announced. Four persons were invited into the room in which the Duke was: its being small was assigned as a reason for not more going. Mr. Amherst bore his father's train.

The Che-chow, or Magistrate of the town, was in waiting. He was a person who at first professed to be very civil, but who, from the trouble the public service gave him, soon changed his tone and manner; and his eyes, which at no time looked straight before him, (for he squinted much) indicated the utmost aversion. He said that Sze ko jin, "four *men*," were to go in; old Chang, who was also of the party, corrected him, and said, Sze-wei, "four *gentlemen*."

A small court-yard, not defended from the rain, was to be crossed. By the aid of umbrellas this was effected, and a bamboo hanging screen being raised, discovered the Duke, Muh and Kwang, standing, about three or four feet from the door, with their faces towards it. The Embassador made an inclination of the head, which the Duke did not return in any way, but began in a loud stern tone: "We are especially sent here by the Great Emperor to see the ceremony properly performed." Mr. Morrison said, "Let the Embassador be seated, and then converse." The Duke replied, his lip quivering with anger, "We stand, and he also may stand." This was explained to the Embassador, who said, "Very well, we'll stand." The Duke was then desired to resume what he was about to say. He began, Tĕen woo leang jĭh; Te-woo urh Kwang; as in Heaven there are not two Suns, so on earth there are not two Sovereigns. The great Emperor is Tĕen-tsze, the Son of Heaven; before him all kings should bow down. You know it (looking at Mr. Morrison, who had been seen reading Confucius, and which had reached the Duke's ears), the ceremony insisted on was coeval with (Kae-Kwo) the commencement of the dynasty.—Feeling this to be no great length of time, he added—it has existed from the highest antiquity, and Kăng kae pŭh tĭh cannot be altered, "Without the performance of this ceremony, the Embassador and his tribute will be forthwith rejected and cast out;" throwing his hand from him as he pronounced the last word.

The Embassador, instead of yielding to the impulse of feelings such as this speech was calculated to produce, took no notice of the Duke's rodomontade, but with self-command and in a firm tone said, "That he considered the Emperor of China as one of the greatest sovereigns in the world; and from his Royal Highness the

Prince Regent also considering him in the same point of view, he had sent him to compliment his Imperial Majesty. The ceremony which he proposed to perform, was the same as was performed by the last British Embassador, Lord Macartney, and which was graciously received by the late Emperor.

The Duke's face put on a smile at the first part of this speech, and he took a purse from his side and gave it to Mr. Amherst; but when he heard the close, he replied with warmth, "The affairs of the last Embassy were its own affairs; those of the present Embassy alone are what we will converse about." He turned to Chang, who was standing by, and said, "Do you lead them out and explain fully what I have said, and the reasons of it." The Embassador being informed of this, saw plainly that nothing was to be done with the Duke then, and of course could not submit to be referred to a person of Chang's rank to discuss the subject. He therefore asked the Duke if he might expect to see him again.

The Duke supposed that the Embassador considered the meeting as partaking of the nature of a visit, and said, "This is not a visit—it is an official meeting on national affairs." He was told the Embassador also considered it as such. He then said, "Whether you see me again or not depends on the resolution you choose to come to." On hearing this the Embassador took the Memorial from his pocket and presented it to the Duke, saying, "I'll trouble you to transmit that to his Imperial Majesty." The Duke, evidently disconcerted at such unexpected occurrence, took it, looked at the address, turned it over, passed it to Mŭh, and said, "It is sealed!" The Duke was taken down a peg or two by this reference to his master, and walked forward a few steps to see the Embassador out. The whole party immediately returned to the Embassador's house. A gratuity was given to the chair-bearers and drivers of the carriages. Chang's servant, old Blow-hard, undertook to distribute it; and, according to Chinese usage, first told his Master, to have his permission. Chang could not sanction it, in consequence, as he said on several occasions, of the Emperor's taking the severest notice of any thing that could be construed into the receiving of money. One of the gentlemen of the Embassy distributed with his own hand the dollars to the poor men, who were thereby abundantly rewarded for the labor gone through on account of the English.

The feelings of the English were this day a good deal roused by the insolence of the Duke's manner, and the absurdity of his pretensions. At the first some were angry, at the latter all laughed.

We were now at a stand till we could hear what the decision of

his Imperial Majesty was. Express after express went and came in the course of the next day. Chang came to confer; but as he could not confer with the Embassador, Mr. Morrison was the medium for the English. Chang, no doubt, was fully instructed what to say; but at the same time, it is probable he introduced ideas of his own; and to separate what was absolutely official from what was his own is not practicable. He did not seem at heart favorable to submission; he always called it "their Tartar ceremony," and disclaimed the idea of its being Chinese. "They were," he said, "most tenacious of it; so much so, that old infirm people, who could no longer kneel nor stand, were caused to raise themselves from the seat on which they sat, and fall down again with a bump, the number of times that others knocked their head."

He urged conformity, from our coming being voluntary; we had embarrassed them, not they us; had we not come, they would neither have sent for us nor complained of our staying away; that what they valued was the *ceremony*, not the presents; if they dispensed with it with regard to us, what were they to do with other nations?

It was argued on the other side, that they seemed to err in applying ancient rules which were suitable enough in respect of petty states around, which were really tributary, to modern powerful nations with whom they had heretofore had no intercourse: that now they would do wisely to have different rules for different nations, according as they were or were not tributary. To apply the same rules to Russia and to Britain, which they did to Lew-kew and Siam, was injudicious. As our dress and features were different from theirs, so our forms of polite intercourse were different. A master in his own house with propriety dictated what forms he pleased to his own servants; but when the servants of another master came on business common to both families, it was not incumbent on the one to enforce the ceremonies of his house on the servants of the other; it showed an enlarged mind to pass over these slight varieties; and his Imperial Majesty, in allowing the British Embassador to observe the ceremonies of his own Court, would be still more and more admired.

He was however urged to bring an official reply to the note given. He finally brought in his hand the note itself; and said that as the name of the Embassador was not outside, it was contrary to rule to forward it; every person sending a sealed document to the Emperor must write withoutside his name. However, the Duke had opened it. Some displeasure was expressed at this as a mere quibble, as if, though the word "Amherst" was not there, the phrase "British Embassador" was not distinct enough. He acknowledged unofficially, that he believed it a pretence. "If a sealed do-

cument from the meanest subject was referred to the Emperor, (said he) how would they venture to conceal a letter from a foreign minister?"

He then said, if we would alter some expressions in it, they would send it;—if, instead of saying "the King of England had cultivated amity with Keen-lung," we would say that "Keen-lung had treated the King of England amicably."—This was conceded. Then he wanted the phrase taken away, in which our own ceremony was proposed, and to have inserted that the Embassador would kneel on both knees. This was rejected, as a childish proposal; for if that were done, the memorial itself became useless.

After carrying it to the Duke again, he brought it back and desired we would withdraw it, for it could not (he affirmed in the name of the Duke) be sent to his Majesty.

On the other side it was urged, that if the Embassador could not be heard, *negociation was at an end.* With the note returned, Chang brought formulas of the intended mode of reception at Court, which were received from him, but not carefully read and translated at the time, as it still remained quite uncertain whether the Embassy would proceed to Court or not.

Chang was now instructed to commence an attack on some of the persons of the Embassy, by way of intimidation. The gentlemen from Canton were considered as mere traders, and therefore the Embassy was not properly filled up. One of the Commissioners, it was said, had been appointed, according to advices from Canton, by the Government of England, in consequence of his knowledge of the usages of the Celestial Empire; but he, knowing those usages, failed in his duty, inasmuch as he did not inform the Embassador of them, and persuade him to comply with the ceremony. It was insinuated that as far as regarded his future stay in Canton, he would consult his own interest by giving the advice suggested. All the idle stories which had reached the Court, of the aviaries, splendid apartments, fine horses, &c. &c. possessed by Europeans living in Macao, were now applied to the individual alluded to. Various efforts were made to stop Chang in this very improper harangue; and the Embassador made him understand that he was much displeased at the present interference with the persons of the Embassy: that as the Emperor of China employed whom he pleased, so did the Government of England. Chang mumbled a sentence, as if obscurely asking if the King of England did not trade. The general tone of the message seemed impertinent, and it was dismissed with indications of displeasure.

Finally a paper was brought purporting to be an edict from the Viceroy of Peking. The name of one of the Commissioners was introduced into it, and an additional guard ordered to watch the Embassador's house, that no clandestine intercourse might take place between the Natives and the English. There was accordingly a great show that evening of an additional guard.

Six days had now elapsed since the interview with the Duke; and the Chinese (or rather Tartars) appeared to be passing from one insult to another: no answer had been returned from his Majesty—it was therefore determined to write an official note, and demand that we should be informed of his Majesty's pleasure respecting our departure.

The note was written and carried to the Duke by Messrs. Hayne and Davis.

This note appears to have done away with the hope of our yielding, and therefore the Duke sent by Chang to ask the Embassador to call once more, and also to request that he would introduce the subject. The Embassador agreed to go.

On arriving at the temple at which the Duke resided, we found chairs placed on the left side of the court-yard. The Duke, Moo, Soo, and Kwang, walked forward to receive the Embassador and Commissioners. The chairs were placed in two rows. The left-hand row was a little higher than the opposite. The Duke took the upper seat on the left-hand, and Lord Amherst on the right.

The Duke commenced by a few remarks in the form of question, as to the distance of England from China, the time which the voyage occupied, and so on. He then asked, if Chang had explained every thing respecting the ceremony. The Embassador, on the other hand, wished to know what answer the Duke had to give to his former note. The Duke said, it would be of no use to our cause to send it to his Majesty; and was proceeding to reason the propriety of homage from the King of England to the Emperor of China, as he did in the former interview. It was therefore thought better to wave the subject, and to ask him, what he thought could be done to justify the Embassador to his own government; would it be given in the name of the Emperor officially, that his Majesty affirmed on his own recollection that Lord Macartney performed the ceremony, and so on? To a question put respecting the probable disposition of his Majesty, the Duke said "he could give no answer; it might as well be asked him, whether he thought it would rain or thunder to-morrow. The ways of the Son of Heaven were, like those of Heaven itself, inscrutable." The Embassador said, "he could not promise to comply: however,

he would in the course of the day send him a final answer." In the afternoon an answer was sent, saying, the Embassador could not comply with the Tartar ceremony.

The note had scarcely reached the Duke, when he and his party came to the Embassador's house to pay a visit, and to say that it was determined the Embassy should proceed to Court, at Yuen-ming-yuen, the next day.

The Embassador and Commissioners, apprehensive that their note had been misunderstood, asked the Duke if he were aware that they had written to say they could *not* perform the ceremony. He seemed to say "yes," and bowed his head; which all understood as affirming "you are to be received according to the forms you propose." Kwang returned the same evening in order to hasten the departure of the Embassy early the next morning. He, when asked, if the Embassador's intention was fully understood, said, "The Emperor is of an enlarged and liberal mind, and hence dispenses with your compliance."

During that night several gentlemen attended to the unloading of the presents; and the utmost exertion was used to prepare the Embassador's carriage.

During the above discussion Chang once said, "Do not be in haste; you will go to Court—there are wise men amongst them." He was not however a person in whose judgment it was proper to place confidence. Kwang also sent a man, during the discussion, to know what presents required men's shoulders to carry them, in order to prevent their breaking, which would lead a person to suppose that the Duke and his party had made up their minds some time before they acknowledged it.

The following morning was a scene of bustle and confusion. The weather was warm. The Local Officers began to number our packages, in order to prevent their being lost; but they were so numerous, and some of them so heavy, the people lost all patience and gave it up. The Legate was anxious to hasten our departure, and came himself to the spot.

The carriage was ready sooner than the packages. Should however another Embassy ever go to China, a Bengal palanquin would be much more convenient than a carriage. The carriage has a fine appearance, but there are rarely roads on which it can travel.

At 4 P. M. August 28, every thing was ready except some conveyance for the men who were sick. The Legate had promised that a proper conveyance should be procured. One man died the day before, and was interred in the neighbourhood. The same was the case in the last Embassy: a man died, and was interred at Tung-chow.—When the conveyance was brought, it was found unfit for

the purpose, and two chairs, originally intended for the principal persons of the Embassy, were finally given to the sick.

The Embassador, two Commissioners, and Mr. Amherst, were in the carriage: several gentlemen chose horses, and others were accommodated in Chinese single-horse carriages. The guard and band were in carts. There was a great number of Chinese officers and troops in attendance, who, together with the baggage and persons of the Embassy, made a vast cavalcade. The weather was warm, and the road dusty. The jolting of the Chinese carriages was extremely fatiguing. Without constant effort to hold by the sides of the carriage, a person's head was thrown first on one side and then on the other.

The Embassador's carriage, though soiled much, was an object admired by the natives. Crowds came on purpose to see it. One remarked, it appeared proper for the Emperor. The badness of the stone road between Tung-chow and Peking, as well as of other parts of the way, made even the English carriage at once fatiguing and dangerous.

About half-way we stopped at a place intended for the refreshment of travellers; and found some food prepared. But it being an attempt at English cookery, was neither English nor Chinese. There were neither knives and forks nor yet the small ivory sticks of the Chinese.

At this place the Legate and Soo sent for a gentleman of the Embassy, and said, "his Majesty has given a gracious intimation respecting the Embassador. He has fixed to-morrow for seeing him." This was communicated to the Embassador, to whose apprehension it did not appear very gracious to be in such a violent haste. The Legate said, "Whether the Embassador be introduced or not to-morrow, let us settle when we get there; but in the mean time we must endeavour to arrive."

Of course we could not remain where we were, nor was it ever intended to stop there. The party accordingly again commenced its journey.

The Embassy passed withoutside the city of Peking when it was dark, and arrived at Yuen-ming-yuen soon after day-break on the morning of the 29th. Leading down to the palace there is a paved path, along which the wheels of the carriages, which were according to usage driven fast, made a great rattling. Neither Soo nor Kwang could be permitted to ride in chairs here. Old Chang was on horseback.

Part of the gentlemen were conducted to the Embassador's house, about a mile from the palace. The Embassador, the Commissioners, Mr. Morrison, Mr. Abel, Mr. Griffith, Mr. Cooke, Mr. Abbot, and Mr. Somerset, were led direct to the palace gate.

The road leads round the South-east corner of the court-yard before the palace. Soo and Kwang were obliged to alight before turning the corner.

Here Soo and Kwang came to the Embassador's carriage door, and desired him to alight to take a cup of tea. The two Commissioners got first out of the carriage. None of the party knew certainly where they were, but began to be apprehensive that some imposition was intended. Lord Amherst, being really fatigued by travelling all night a dangerous road, pleaded indisposition, and said, he could neither see any person nor transact any business till he had taken rest. After much importunity he alighted from his carriage, and was led round the corner to a small unfurnished dirty apartment on the right-hand side of the court-yard.

There was a bench in the room, covered with white cotton felt, and which, in the manner of the Tartars, serves for either a seat or a bed. The paper of the roof was old and torn. A crowd of persons of all ages and ranks filled the room. The English gentlemen, disappointed, vexed and weary, sat down on the bench. The Embassador directed that the crowd should be desired to withdraw, and leave him alone. The crowd of Chinese and Tartar officers paid not the least attention, but continued to press forward to see the strangers. Chang was desired to use his influence or authority; but here he possessed neither the one nor the other: he endeavoured to apologise for them from the novelty of the occurrence.

A few minutes after entering this room, an invitation came from the Duke requesting the Embassador, Commissioners, and Mr. Morrison would go to his rooms. The Embassador said he could not see him then, and only begged to be led to the apartments intended for him. The Duke then came himself, and said, he wanted to introduce the Embassador to his Majesty, and added, "Have you the letter?" The Embassador without rising said, that he felt unwell, and begged his Imperial Majesty would graciously decline requiring him to attend that day. The Duke said, "You shall use your own ceremony." The Embassador requested the Duke to supplicate his Majesty to decline requiring an audience. The Duke became very anxious. The perspiration stood on his face. He went out—came again—took the Embassador by the arm to urge him away; and told an attendant to help him. The Embassador shook them from him, and said, he would not go so, repeating the request to the Duke that he would report his case to the Emperor, and entreat his Majesty's acquiescence. A messenger came to the door of the room, and in a tone of high anger called away the Duke. Poor Chang struck his thigh, and called out

"Ah! now they are incensed! a man who comes here should have no will of his own!" from which we augured something bad.

During the time that the Duke was going out and returning, several persons of rank came, stared at the English gentlemen, and went away. One old gentleman, with a long silver beard, came and uttered the words, Fă-lang-ke, with another Tartar-sounding word, which the writer of this did not understand. It was said to him, "We are not French, but English." Mr. Morrison requested the old gentleman to turn out the crowd; it was so rude for them to press into a small room in the way they did. He gave no answer to this, but went his way. As soon as he had gone out, a gentleman present, who knew the meaning of the round badge which he wore on his breast, informed the party that he was a Prince of the Blood. Others wearing the same badge came in, took a rude stare, and went away again.

Towards the close of this strange scene, a part of the rabble of officers left the room; the others said they could not, they were ordered to be there.

Chang now came in, and said, there was a favorable reply from his Majesty. To announce it, the Duke came and said, "His Majesty has graciously ordered his physician to wait on the Embassador. He may now go to his apartments." The Duke was moreover ordered to see him thither. Men armed with swords then cleared a path through the crowd, and the Embassador proceeded, walking through the court-yard and round the corner, to the carriage. In passing the court the Duke accompanied us, and himself cuffed the crowd of Mandarins of various ranks, and kicked them to open a wider path. It is probable that the Emperor himself from some part of the palace had a view of the party walking across the court, and that the Duke was showing off his activity and zeal; or that he was vexed, and spent his rage on the first he dared to strike. He took the writer of this by the arm, and squeezed it, saying something which was not heard distinctly enough to be remembered. When round the corner he took a glance at the Embassador's carriage, got into his chair, and was never seen again.

The Embassador, Commissioners, and Mr. Amherst, again entered the carriage and, attended by a large retinue of Chinese officers, proceeded in slow state to the house provided for his Excellency. This house belonged to Sung Tajin, the amiable friend of the last Embassy, who is now first Minister of State, and was then absent in Western Tartary. It was an exceedingly handsome and spacious house.

His Majesty's physician came; felt the Embassador's pulse; said he supposed the climate did not agree with him, and took his

leave. Soo and Kwang were both present. Most of the gentlemen retired to sleep. Breakfast was served up, at which four only were present. His Lordship took something in his own room. He obtained a few of his packages, but no part of his toilet.

In about two hours, Chang brought the news that we were to leave immediately. His Majesty was greatly displeased, and had ordered our dismissal instantly. This of course was quite unlooked for; but what could be opposed to the caprice of a despot, surrounded by courtiers, who, as afterwards appeared from the Emperor's own hand, did not dare to tell him that the Embassador had travelled all night, and had not been at his own apartments when he was fraudulently brought to the door of the palace?

The writer of this was asleep when the message came. Major-general Yin came and awoke him, saying, "All has gone wrong! Kwang wishes to see you; you are to go away directly."

On going out half-dressed, Soo and Kwang were found together. Kwang was generally the spokesman. He said in a demure tone, "His Majesty is angry, and requires you to go from this house today! What is to be done?" It was replied, "His Majesty's will must be obeyed.—What do you say is to be done?" "I know not; I also am involved"—was the answer. He added, "We will send your things carefully back"—"Talk not about things!" said the other, yet suffering under excessive fatigue, "throw them into the sea, if you like; but, regard persons."

At that moment the silent Moo came in, and Kwang addressed him, "Are they to go?" He replied, "They are to go."

The decree it appears had gone forth, probably in a fit of anger, or a panic of fear, on the part of the Emperor. His courtiers, who sat by, without opposing it, or stating facts, were either afraid to risk his displeasure, or secretly hoped this very strong measure would produce intimidation and submission.

Some of the gentlemen obtained with difficulty a hand-basin and a change of linen. The Embassador could not. The Chinese would not permit a box to be brought into the house. The carts which had not been unloaded were driven off. The Embassador's house and court-yard were filled with officers of various ranks, and rude inferiors, who kept staring in at the window, and thrusting open the door to gaze on the foreigners.

The Embassador did not hurry his departure, in order to give the Court time to think on the very harsh and barbarous step which they had determined on. Chang was told that we must dine ere we commenced another journey. Yin said we should go but ten

leagues that evening; this, however, proved untrue; perhaps he was himself misinformed.

About two o'clock a large blustering man came into the court-yard, and called out, "Where is there an Interpreter?" On finding a person who understood him, he began, and explained at great length from whom he was deputed; how great the person was; greater than the Viceroy of Chih-le; he was the Kew mun te-tŭh, "Commander of (the forces of) the Nine Gates" of Peking. He is the first and greatest military officer in the Empire. Being informed that we knew who the Kew mun te-tŭh was, he proceeded, "My master, who commands a million of men, requires that the Embassador leave the limits of his command immediately.—The Embassador is a rude man who does not know how to behave himself. Your King is respectful and obedient; but the Embassador is not. He has used disrespectful language. His Majesty will write to the King to complain of him." He was interrupted, and told that the Embassador did not use disrespectful language; that he said nothing more than beg that his Majesty would graciously defer the audience.

"The Ceremonies of the celestial Empire (said the large man) are unalterably binding. It was replied, "This is not a time to talk of ceremonies."—"Well, (rejoined he) I am not sent to talk about that, but to require your departure." "Very well," said the other, "we shall go."

About three o'clock, a dinner, in the Chinese manner and in good style, was prepared in the Embassador's hall; Major-general Yin himself waited on the Embassador at table in the most good-natured manner. Before leaving, he stepped into the room in which the Embassador was alone, and said, "they do not mean you to go—only kneel on two knees," putting, at the same time, two knuckles on the table to represent the act of kneeling. That, of course, was out of the question then.

Chang kept urging our departure, but did not provide porters to reload the carts; a few only of his Lordship's boxes were reloaded by the exertions of our own people.

About 4 P. M. the Embassador, Commissioners and Suite left the house. Four persons travelled in chairs, the rest in the Chinese two-wheeled carriages. The following night was dark and rainy. The earliest of the party arrived at Tung-chow about 4 A. M. of the 30th of August.

On the road, one of the Embassador's servants was overturned in the cart in which he rode, and received a contusion of the head, which for some time threatened to terminate fatally.

It was yet dark when we arrived, and the boat-men asleep.

The squinting Governor of Tung-chow nailed up the door of the house which we had left the day before. Commodore Ko and the boat-men remained unaltered by the displeasure of the despot.

On the evening of the same day, Soo and Kwang called on the Embassador, and said, that his Majesty had sent a *Joo-e*, or emblem of prosperity, of the corundum stone. A string of court beads, such as are worn by the Emperor and ladies of the palace, and finally, some ornamental purses. These he wished to be conveyed to the Prince Regent; and requested, in return, the maps, the prints, and portraits of the King and Queen, which were mentioned in the list of presents.

The Embassador complied with their request, but at the same time took occasion to speak to them freely of the treatment he had received.

Six days after this violent act, the Emperor published one of his penitentiary papers, in which he said, he (Pŭh jin) could not bear the idea of our having come so far, and of being dismissed in the way we had been. He had, he said, now found out what he did not know when he took the harsh resolution, viz. that the Embassador had travelled all night; had not been at his own apartments; nor had with him his Court dress; "had I known these circumstances," said the Emperor, "I would have changed the day of audience." He then proceeded in the same official document to reflect in the strongest terms on the Princes and Courtiers, especially the Duke; who were called to his presence that morning, to all of whom the truth was known, but to mention which none would step forward. He blamed the selfish system which each seemed to have adopted, when they sat before him and said to themselves, "The affair does not concern me." "Thus," added he, "they ruined the affair." The Duke he degraded by depriving him of the high situation he held as President of the Foreign Board: Moo and Soo, Presidents of the Boards of Rites and Works, were also removed: Kwang was deprived of his situation as Salt commissioner, and reduced to the low rank of a gold button. He was granted the indulgence of wearing his former one whilst with the Embassy. He wrote also to the viceroys of the Provinces through which the Embassy had to pass on its way to Canton, to give orders to all connected with it to treat it with civility and respect. Yin gave it as his opinion that they would have recalled it, but for what they conceived the very undignified appearance of reversing the Imperial decree.

SECTION VII.

Journey from Tung-chow to the Yang-tsze Keang.

The Emperor required in the Edict just referred to, that the Embassador should be treated civilly, and at the same time that the Military should, wherever the English passed, put on an imposing appearance; have their arms and acoutrements well cleaned;—at once, said he, to soothe and to awe. Under these circumstances we had now to commence a four months' journey. Some delay was occasioned by the confusion and haste with which the baggage was brought back from Yuen-ming Yuen. A writing-table, containing papers belonging to the Embassador, was missing. It had been left behind in the hurry, and was to be sent for the whole distance. One bundle belonging to Lieut. Cooke was lost.

September 2nd. We began to move down the stream. At Tëen-tsin the Embassy remained two days, whilst the Legate transferred the affairs of his office to his successor.

On the 18th, we left Tëen-tsin, and proceeded up the far-famed Canal called here Yun-leang Ho, "the grain-bearing (or transporting) river"—also Yu Ho, "the Imperial river." In other parts of its course it is called Chä Ho, "the river with locks or flood-gates." This canal was commenced under Yuen, the first Tartar dynasty. It received gradual additions and alterations in the course of centuries. The Emperor Kang-he of the present family paid particular attention to it. In Chih-le and Shan-tung they have much low swampy ground, liable to very serious inundations. To make a way for the waters to pass off, was probably one object of the canal, as well as to make a road for the transportation of goods.

September 18th. Entered Shan-tung province, and arrived at Tih-chow (Te-chou), situated not far from the borders of the province. Here Yin, the Major-general; Chang, our conductor, and his two servants, Old Blow-hard and his fellow-servant, left the Embassy. The Embassador gave considerable presents to the principal persons, and rewarded the inferiors. They were all very desirous of what they received, but were afraid of its reaching the ears of the Emperor.

Chang, before we left Tëen-tsin, heard that he had been named in the Gazette as Judge of Shan-tung. He owed this promotion to the Duke, who was himself degraded. Chang set off for Jĕ-ho, in Tartary, to see his Imperial Majesty, and return him thanks.

At Tung-chow we were joined by the Judge of Chih-le province; Shing was his name—as vain and loquacious a Tartar as ever lived. He had read various of the books respecting Europe which have been published in China. He professed, with a high degree of self complacency, that he knew all about the religion, geographical extent, dependance on commerce, and so on, of England. "You must not tell me," said he, addressing himself to Mr. Morrison, and giving a wink to Chang, who was sitting by, "I know that the teachers of religion in England all wear beards, and you have loaves of bread three or four cubits in diameter." "Your country is but small, (said he,) my civil jurisdiction extends all the way to the Gourkas." Looking at Chang, he said, "Our country is too large; it is extremely difficult to govern." When vapouring about England being a commercial country, he was reminded that the Emperor monopolized the Salt department, which nettled him a little. He seemed to flatter himself that he could persuade the English to submit to the ceremony, and so bring about a reconciliation. He entered very fully into the subject when he met the Embassador at Chang's boat. Not having been ordered by the Emperor to call on the Embassador, he would not; but met him at a third place. When he went away, he said, "Heaven knows; we may meet again."

In every province the Embassy was put under the care of a Tartar Judge or Treasurer; a General or a Major-general also, for the most part Tartars. The Legate was the constant Superintendant; under these were various other inferior officers.

The Treasurer of Shan-tung, whose name was Ho, "Concord," was a very well-disposed man. He remembered Mr. Morrison, having seen him at an interview with Mr. Elphinstone, the late chief of the Factory at Canton. He sent his card when he joined the Embassy, and called on the Embassador when he left it.

September 22nd. Arrived at Lin-tsin Chow, withoutside of which is a lofty Pagoda, or, as the Chinese call it and all such buildings, Tă. It was taken particular notice of by the gentlemen who gave an account of the last Embassy. There is not now any appearance of porcelain withoutside. It is nine stories high. It seems a rule in all such structures to make them nine, seven, five, or three stories high. Over the door of this Pagoda are the words,

tă paou le Shay
4 3 2 1

"A precious Monument to the Shay-le;" i. e. reliques of Fŭh which last syllable is an abbreviation of Fuh-too, the Chinese for Buddah. There are good marble steps within, all the way to the top; several gentlemen ascended it. In the various stories are

idols placed in niches: most of them broken and out of repair. On a marble tablet inserted in the wall were the words, "The 13th year of the Emperor Wan-leïh, of the Ming dynasty"—which answers to 1584.

There are in the vicinity four Mohammedan Mosques. The roofs of the places of worship, called in Chinese Le-pae Sze, were different from the usual Chinese temples. There was a centre roof rising from four equal sides, and terminating in a point, on which was placed a round ball. On each side were similar roofs, smaller and lower than the centre one; these terminated by a conical ornament.

September 28. In the morning passed the river called Wăn-ho (erroneously called Luen-ho in the books of the last Embassy). It is said to arise from seventy-two springs in the mountains called Tae shan, in Shang-tung. It flows from the east, and arriving at this point sends part of its waters to the north branch of the canal, and part to the south. The land is high on each side at its mouth; opposite to which on the other side of the canal stands the temple called Lung Wang Meaou, "the temple of the Dragon King;" or, as he is otherwise called, Ta-wang, "the great King;" he is the God of seas and rivers. This Temple is sometimes called Fun-shwuy Meaou, "The Temple at the division of waters;" from the circumstance already mentioned. We had now the current of the canal with us: but it flowed so gently as to be but slightly perceived. The Chinese books assert that from Lin-tsing to this place there are seventy-two Chă, or locks.

The Chă, or locks, are gate-ways with stone abutments on each side, in the middle of which are grooves to receive the ends of planks, which being let down stop the water's egress or ingress. Whether placed on the sides of the canal to admit water into it, or prevent its flowing out; or whether placed across the canal where the decent is rapid; they are still called Chă.

The canal now passes through what are called Hoo, or lakes; but they are frequently nothing more than marshy swamps, with shrubs and trees growing out of them. In dry seasons the waters retire to very narrow limits, and the land is cultivated. The present was a year of heavy rains: they fell during the fifth moon, and inundated the crops which were sown. Fishing-boats were now and then seen on these lakes, and poor people gathering the seeds of the water-lily, which occasionally covered a space of a few acres extent. A few miserable huts were scattered on the banks of the canal, with the water up to the very door; and in some cases rendered uninhabitable by the water rising to the top of the bank, and flowing into the hut. There were spots left dry in the lakes on which were houses and trees, which re-

lieved the melancholy prospect of swamps in some points of the compass terminated only by the distant horizon. The country we had hitherto travelled through had been an entire plain. We had not seen a single hill, but the Tartarian hills north of Yuen-ming Yuen. The willow had been almost the only tree which was seen; and the only grain, the Kaou-leang or Barbadoes millet. It was from eight to twelve feet high, and consisted of a tuft of grain on the top of a stem, about the thickness of the sugar-cane.

Not far from where we were on the 28th of September was the town called Hwă-hëen, which was occupied some months by the rebels in 1813. On taking the town the Government troops put to the sword all the inhabitants, men, women, and children, amounting to between ten and twenty thousand souls. Other families have been since sent to re-people it, and to cultivate the land around.

Some of the gentlemen who had read Confucius felt interested in passing near Keŭh-fow Hëen, which was, it is said, his birth-place, and is still in the possession of his descendants.

September 30th. On the eastward saw a long range of hills beyond the marshy lake.

October 1st. Early in the morning passed the village Hea-chin. The houses were of brick, and presented a better appearance than any that we had seen in China; they had heretofore been almost always of mud, and in an exceeding bad state.

Near this place the canal runs through a corner of Keang-nan; enters Shan-tung again for a short distance, and finally enters Keang-nan a second time. On the 30th of September we were a short time in Keang-nan, where the custom is, on state occasions, to give the trackers a uniform jacket and cap. Our trackers had them on the 30th of September: they were deprived of them on the 1st and 2nd of October; but were put in possession of them again at Yaou-wan chin, which is within the limits of Keang-nan, on the 3d of October.

In the course of our journey on the first, the canal was crossed by a stream from the western mountains. The crossing stream was called Shĭh-tsze Ho, "The letter *ten* river:" ten being two cross lines, thus +. A new temple was erecting on the corner of the bank, almost the only new building which has occurred in our route.

October 2nd. From the lake Hoo-shan-yĭh a mass of water passing through seventeen flood-gates enters the canal, which, during the whole of the distance travelled this forenoon, flowed at the rate of about three miles and a half an hour.

October 3rd. Remained a few hours at Hwang-lin chwang, in the borders of Keang-nan. Ho Tajin, the Pooching-sze of Shan-

tung, waited on the Embassador to take leave. He received from his Lordship's own hands a glass snuff-bottle, and gave his own to Mr. Amherst in return. He was succeeded by Chin, the Pooching-sze or Treasurer of Keang-nan. The military officer, called Heë-tae, or Major-general, wearing a red button. His own name was Wang; a Chinese, who was exceedingly civil as long as he remained with the Embassy. He was rather tall, and a good figure. He was upwards of 40 years of age: had been in the wars against the Gourkas in the last reign, and acted against the rebels in the beginning of the present reign eight years. He had been slightly wounded thirteen times, and had received the distinction of a peacock's feather, together with a Tartar title, which was expressed in Chinese letters, Keang-yung-pa-too-loo, and denoted a brave and gallant officer.

October 5th. All the boat-men of our fleet brought cards of congratulation on account of the Chung-tsew Tsëë, or Harvest-moon. Presents were given to them, agreeably to the usage of the country.

October 6th. In the morning saw the mast and sails of boats navigating the Yellow River, which runs some distance nearly on a line with the canal. Our boats came to anchor within a quarter of a mile from where the canal enters the river, without our knowing it. The Legate intended to remain there all night and cross the river the next morning; but a favorable breeze springing up, he changed his intention, and sent to inform the Embassador, that he purposed getting under way immediately, and crossing the river. Knowing the great extent which the river runs, and the destructive inundations which frequently take place from the impetuosity of its current acting on the loose alluvial soil which forms its banks, the mind was worked up to expect something grand. The expectation was, like all highly excited hopes and expectations, disappointed. The Yellow River was here about three quarters of a mile broad; its waters very muddy when agitated by a pole or an oar; its current not running more than three miles an hour: in the middle it was about five fathoms deep. It presented to the view a large sheet of water as the western sun fell on its surface. At the distance of a few miles above and below it turned aside and intercepted the view. We entered it from the canal on the N. E. side, and saw, not directly across, but in a slanting direction to the S. W., the mouth of the passage destined to receive us. Some of the boats had considerable difficulty in working up against the stream to the entrance referred to, even after they had reached the opposite shore of the Yellow River. They finally, however, all reached the mouth of the passage called by the boatmen, the Tae-ping ho, where they anchored during the night. Several of the gentlemen sup-

plied themselves with bottles full of the water of the Yellow River, as others had done before with bits of the wall of Peking.

October 7th. On the S. W. side of the river the lake, called Hung-tsze-hoo is situated. At some distance higher up the river than where we now lay, the waters of the Yellow River are conducted into the lake, and passing through it enter, part of them, the Hwae-ho, "river Hwae," and part of them again enter by the Tae-ping-ho, where we now lay, "the Yellow River." It appears from Chinese books that during inundations of the river its waters forced themselves into the Hwae-ho, and it became an object to give strength and impetus to the current of the Hwae-ho, which, as they say, was effected by bringing the waters of the river through the lake, and down to the river again, at the point where its waters could not be resisted; thus, as they express it, they made *the river* oppose its own violence. In books which treat of the large rivers of the Empire, the Yellow River is called by way of eminence, "The River." On the Hwae-ho, where the rush of water was great, a plan like the above was often adopted. A new channel was cut on one side of the river, and part of the waters carried off, to be brought in again at the distance of half a mile or a mile below.

From the Hung-tsze-hoo a great mass of water was rushing through a gateway made by immense earthen abutments, confined by the stem of the Kaou-leang and ropes. These narrow flood-gates, made of earth, are called Pa-tsze. The *stone* ones are called Chă, as mentioned above.

We had, on the morning of the seventh, to pass the first and most difficult flood-gate against the stream. It was a task of some difficuty. The boats were drawn through by ropes; a large concourse of officers attending in case of accidents. On the bank were perpendicular windlasses, round which the end of the rope was thrown.

On the same day we had to pass round the point which divides the waters of the lake, part to enter the Yellow River, and part to swell the current of the Hwae-ho. We had ascended one flood-gate and had to descend another. The latter was formed of compact mason-work, and called Tëen-fei Chă, "The lock of the Celestial Lady." The water of the upper part is sometimes four cubits higher than the lower surface of the water. It had been opened some time in order to diminish the fall. Chinese gentlemen, however, deem it safe to go on shore whilst the boats pass the lock. An elegant tent was provided on shore, and the Embassador invited by the Legate to go to it The boats were laid on one side of the flood-gate, and gradually brought by ropes within the influence of the falling stream, when the rope was slipped, and the boat shot through. It had a fine effect.

Kwang and the Treasurer were both there; the old Legate was polite and cheerful, as usual. The Embassador, in consequence of an explanation, conceded to Kwang, as Imperial Commissioner, the first place. The Treasurer was going to take the second, which he soon perceived was not agreeable, and he said, "I have some little things to attend to, and will retire," which he did immediately.

Kwang, the evening before, affirmed that the usages established by law required him to take precedence of Foreign Ministers, and he neither could nor would decline, even at a private meeting. He was late in arriving at the spot. When he came, he said he had been at the Temple of the Queen of Heaven, burning incense, and praying for a prosperous journey to us all.

October 8th. Early in the morning passed a large, populous, unwalled town, called Tsing-keang-poo. In the middle of the town there is a Chă, or lock, with an Imperial Pavilion on each side of the abutment. Over the gate is written Yu-she-ting, "The Pavilion of the Imperial Ode." It is probable that some of Keen-lung's odes, made in the course of his journey to the South, were cut on stone and deposited here. The use to which they are now appropriated is to store up ropes necessary for the repair of the lock. Below Tsing-keang-poo the banks raised on each side of the river are so high, and the land behind them so low, that the tops of houses and trees appear from the boats passing down the stream to be on a level with the banks.

General Wang remarked in the course of conversation, that the wars which preceded and accompanied the ascendancy of the reigning family, thinned the population so much, that the earth produced great abundance for the wants of the people. Since that period there has been a vast increase of population, the consequences of which are scarcity and poverty. In the General's opinion, another war to diminish the population would be a good thing.

October 10th. Passed Yang-chow Foo during the night; which was a great disappointment to several of the gentlemen of the Embassy.

October 11th, 12th, 13th. Remained at the foot of a very elegant Temple and Pagoda, called Kaou-ming-sze and Wăn-ming-tă. An old cheerful little man, who acted as commissary, and whom we denominated the little governor, from his holding the situation of Che-chow, opened to the Embassador and Suite the gates of the Temple and the doors of the Pagoda. The ascent to top was easy, and from the several stories a charming prospect was enjoyed of the surrounding country. This Temple and Pagoda were fitted up magnificently for Keen-lung, and are still the property of Government.

We were now to leave the boats in which we had sailed ever since we entered China, and were to embark on board larger and differently constructed vessels, fitted to navigate the Yang-tsze Keang. Some of the gentlemen here applied for horses to take an airing, but were refused by the Legate, whose conduct was then blamed; but, as afterwards appeared, was induced by an order from the Emperor not to allow us to go on shore. This the Legate never attempted to enforce, but, of course, he could not himself furnish the means to violate the order. Some of the gentlemen walked, without knowing it, in a direction for Yang-chow Foo, which caused some apprehension on the part of those whose duty it was to prevent our straying. They sent a messenger after them to say, we were going to get under way; which was an untruth. It however answered the purpose that time. The gentlemen immediately returned.

October 14th. We dropped down to Kwa-chow, which is situated on the banks of the Yang-tsze Keang. The fleet was detained till the 19th by contrary winds. In dropping down, the wind blew very fresh, and sent the Embassador's boat with violence against the bank, so as to cause it to leak a good deal. It was, however, afterwards repaired so as to perform the voyage in safety.

Above Kwa-chow are situated the Woo-yuen, "Five Gardens," which were in the last reign an Imperial residence. They have never been visited by Kea-king since he ascended the throne, and are much out of repair. Two years ago one of the sage Yu-she, i.e. public Censors, upbraided his Majesty with the needless expense of the Five Gardens. His Majesty told him he was a great blockhead for not knowing that the Emperor paid no attention to them, nor spent any money whatever upon them. That no money has been laid out on them for many years, is perfectly apparent.

Seen from Kwa-chow rising out of the Yang-tsze Keang, which here is nearly two miles broad, there is an island like the conical top of a mountain standing above the water. Its sides are clothed with trees, amongst which are seen light airy buildings in the Chinese manner, and on the summit is a handsome Pagoda. This Island is called Kin-shan, "The Golden Hill." The Kin-shan was an object of admiration to all the gentlemen of the Embassy; many wished much to visit it, but the order alluded to above prevented its being done. Beyond the Kin-shan on the tops of the surrounding hills the white canvass tents of the soldiers produced an interesting effect; and farther still away to the S. E., in the valley and up the sides of the hills, the populous town of Chin-keang appeared. That town stands at the entrance of the canal which passes to Hang-chow, in Chĕ-keang.

Kwa-chow is now in a very declining state, and the walls in

ruins. To accommodate the late Emperor in passing to the Golden Hill, a canal was cut through the town, and a bridge made from its Southern point across the Keang to the island. Since that period, as the Governor of the town informed Mr. Morrison, the Tung-shwuy, or "fortune of the place," has gradually declined.

SECTION VII.

From Kwa-chow on the Yang-tsze Keang, to Kwang-chow Foo, or Canton.

At Kwa-chow were several pleasant walks through country-lanes shaded by the foliage of trees. In one of these was situated a Gan or Temple occupied by three widows, who had, having no human dependance, devoted themselves to the worship of the God Chin-te. The matron was eighty years of age, and the other two upwards of fifty. One went through her morning devotions in my presence. She appeared sincere, and probably was fully persuaded in her own mind of the real existence of that Being to whom she burnt incense, knelt down, and offered up prayers.

To amuse the Embassador, General Wang caused a few of his men to go through their exercise, in shooting with bows and arrows at a target, and firing their muskets in quick succession. After the men had shot with their bows, the old General wished some of his officers to try, and, as is perhaps the usage in such cases, took a bow and arrow, and smiling said to the Embassador, "Do not laugh at me," he let fly his arrow, but it missed the target. One of his officers who performed after him sent his arrow through the target every shot. The matchlocks performed better than was supposed they would, and eight or ten men, loading with powder only, kept up in front of their party an unremitting fire.

The Legate, Treasurer, and other officers, went to the Temple of the God of wind, to supplicate a favorable breeze.

One of the gentlemen took out his gun and shot a crow. The Legate sent to desire he would desist, lest he should alarm the country people, and also because the Tartars venerate the crow. The reason is the following:

The grandfather of the first Emperor of the present dynasty was, when a lad, left by some accident in the field of battle after the defeat of his own party. When the enemy was advancing upon him, he crouched down in a hole, the mouth of which was immediately surrounded and covered by a flight of crows. The victorious party, supposing there could be no human being where

the crows were sitting, passed on, and the lad was saved. At the spot where this took place the Tartars annually hang meat on a pole to feed the crows, and discourage on all occasions putting them to death.

October 19th. At an early hour our fleet entered on the Yang-tsze Keang, which at this place is a large and rapid river. The wind was extremely light, and not quite fair. The boat-men with much difficulty coasted along the northern side, which was flat and marshy, covered with long reeds, which are raised for fuel.

October 21st. Arrived at Kwan-yin Mun, "The gate of the Goddess Kwan-yin." The arch of a bridge connecting two hills is so named. On one side of the gate is situated a very picturesque rock, with shrubs hanging from it over the river, which runs rapidly along at its base. Its summit is crowned with trees and a Pavilion called Yen-tsze Ke, (perhaps) "The swallow rock." Further up the stream, on the opposite side of the gate, was a romantic Temple built against a perpendicular rock, with verdure on its top. It was called "The iron-bound solitary Hill."

The Viceroy of Keang-nan, Gan-hwuy, and Keang-se, came to Kwan-yin Mun about 20 leagues from Nan-king to meet the Legate, to whom he appeared to wish to be personally civil. He invited the Legate to breakfast. To the Embassador, gentlemen, guard, band and servants, he sent presents and bestowments of sheep and sweetmeats of various kinds, with a message saying he was happy to find the Embassador and the party had been Gan-tsing, "peaceable and quiet." To this the Embassador made no reply, but sent a present in return. The Viceroy sent back the present; and it was said in behalf of his Lordship, that the Viceroy's present could not be received unless he took a present in return. After some discussion the Viceroy sent back for his Lordship's present. He did not call on the Embassador nor did the Embassador propose to call on him, but sent his card to say he hoped the Viceroy was well. The Viceroy, whose name was Pih, a man inimical to and disliked by the English, sent back (according to Chinese usage, in civil intercourse) the card, saying the Embassador was excessively polite, and so on.

To-day, which proved to be the anniversary of the battle of Trafalgar, the Embassador had the body-guard drawn out, and examined the state of their accoutrements.

We got under way and arrived in the evening at the western gate of the city of Nan-king. The suburb was called Hea-kwan. Here we remained till the 24th.

Without the wall of Nan-king there are villages and numerous gardens interspersed with fish-ponds. The ditch or moat is a

considerable width, and full of water, with paths now and then across it. The streets are paved with brick, and some paths are laid with rough slabs of marble; which was in great abundance in many places along the banks of the Keang.

The Embassador walked towards the gate of the city, which the attending officers rudely shut in his face, instead of desiring him not to enter. On a representation being sent to Kwang, he dispatched General Wang up, and had the gate opened before the Embassador left it.

The next day several of the gentlemen ascended a hill within the gate, about a quarter of a mile high, and had an extensive prospect all around. However, as far as the eye could reach over the space enclosed by the walls, the town did not appear, except lofty gateways and a Pagoda, the famous Porcelain tower. The whole space was occupied by gardens and fields, with now and then a cluster of houses. Some of the gentlemen walked very near what was judged to be the inhabited and populous part of the town, and when the crowd began to collect, returned.

The Porcelain Pagoda is called Lew-le paou Tă. Lew-le is a kind of glassy substance. It is also called Keang-nan paou-găn-sze, "The Temple of Gratitude in Keang-nan." Large sheets containing a print and a description of it are sold in the streets of Heakwan. It was begun in the 16th year of the reign of Yung-lŏ, of the last dynasty, and finished in the 6th year of Seun-tĭh, being 19 years in building. It cost 2,485,484 taels of silver. On the top were 48 catties of gold, 1400 catties of red copper. Some superstitious stories are told of the God of thunder pursuing demons to this spot, and there destroying them, the shock of which injured the tower: the fact appears to have been, that it was struck by lightning. Large grants of ground all around were made to the Temple and Tower.

At a Temple in the suburbs, found three large bronze vessels, cast at the expense of Ho-ching, a eunuch who travelled to Bengal in the reign of Hung-he, about A. D. 1424. There are in the suburbs of Nan-king hot baths for poor people. Admittance costs from four to ten cash, equal to a halfpenny or a penny. The baths are in a small room, which continues filled with steam. The bathers are all together, and come out to dry themselves and dress in a public room, in which are cupboards numbered to contain the clothes of the separate bathers. The sign of one was in large characters painted against a white wall, Heang shwuy yŭ Tang, "The bath of fragrant water." Some of the gentlemen put their heads into the bath, and found the fragrance any thing but agreeable.

October 24th. The squadron moved from the pleasant situation which it occupied before the walls of the ancient capital of China,

October 27th, 28th. Were at a small creek on the left bank of the Keang, called Tseen-yu-tsuy, near which place we entered the province of Gan-hwuy, and accordingly changed officers.

Along the Yang-tsze-Keang, at set distances, are artificial creeks for boats and large vessels which navigate the river, to anchor in at nights, out of the influence of the wind and current. This river was found to be much more difficult to navigate, and more dangerous than was at first supposed. The wind blowing against the current made a very heavy swell. Some Chinese gentlemen were sick in consequence of the agitation.

October 30th. Passed Woo-hoo Hëen. The country on the left was diversified by gentle hills and rich cultivation. Thermometer at 56. We anchored at the foot of a steep rugged hill, up the sides of which were small temples placed fantastically; it was called Se-leang Shan. On the other side of the river was a corresponding hill called Tung-leang Shan. Fancy suggested that the two hills had once formed one, but by some convulsion of nature had been rent asunder.

October 31st. Had a fine northerly breeze throughout the day. Thermometer at 56. The country on the right bank of the river was extremely pleasant. A hilly undulating ground, well wooded, and spots highly cultivated. In the distance was a long range of mountains.

At 5 P. M. reached a village called Teïh Keang. The scenery on approaching it was very beautiful. A great variety of foliage prevailed everywhere. The dark autumnal tint of some trees blending with the green of others, was exceedingly pleasing to the eye.

Near the left bank was a small woody island, called Yïh-ke. A temple adorned its summit, and rocks were spread along at its base. A pleasant northerly breeze, a clear sky, and cool, temperature made every person feel delighted with the climate. Many a wish was expressed, that so fine a country were more easily accessible to persons of every clime.

On the hill above Teïh-keang was a temple dedicated to New-shin, "the God of Kine." A figure of a black cow, with a person sitting on it, stood in the temple; and by the side were several marble inscriptions, containing the names of the founders, and the views and feelings of the original proposer, who invited all the farmers in the neighbourhood to join in the expense.

In the streets of the village, observed a proclamation respecting the English Embassy. The purport was:

"The English Embassador is about to pass this place on his return. His Majesty's pleasure on the subject has been received.

Through the whole of the Embassy not a man of the Embassy is allowed to land. Their language is not known to natives, therefore no intercourse is permitted; no buying or selling; no books to be sold to them. Natives are not permitted to crowd about them, nor to make a clamorous noise. No females are permitted to show their faces," &c.

Throughout the whole of the province of Gan-hwuy similar papers were pasted up by government, at the same time that it sent its soldiers and police-officers to accompany the gentlemen who chose to walk through the towns or into the country for miles around.

November 1. Stopped at Ting-kea-chow, a small island. Enjoyed an agreeable walk betwixt two rows of trees, many of which were the tallow tree, of which candles are made: it was called here Pe-yew-kwo-tsze, and by others the Lă-shoo.

In this part of the country, as well as lower down, many of the soldiers were arrayed in the ancient Chinese helmets and coats of mail. They are now considered useless, but are yet occasionally worn for ornament.

November 2. At 10 A. M. arrived at Tung-ling Hëen. The country around is hilly and well wooded. The oak and the fir were amongst the number of the trees which adorned the hills and the dales.

Saw porpoises in the Yang-tsze Keang. The boatmen called them "River pigs."

November 3. Remained at Ta-tung. From the great number of public necessaries in the lanes and streets, the place is very disagreeable. On the hills, which are well wooded, there are pleasant walks.

From the book of a village school extracted the following couplet.

"To have good children and grand-children constitutes happiness:
"Though large estates be not possessed, there is no occasion for sorrow."

On the sides of the hills were numerous coffins unburied. Those in easy circumstances had a vault built over them. Others had nothing but a mat laid over the coffin, which mat the relations of the deceased replace annually. It is probable that they are kept unburied, only till the persons concerned can find a place for, and perform the rites of sepulture agreeably to their wishes, or till they can afford to purchase a burying-place; for, except at large towns, there is no public burying-ground open to the poor.

Crossed over from Ta-tung to an island on the opposite side of the river, on account of the offensive smell when anchored at the village. The island was called Ho-pŏ Chow. This island is sometimes overflown by the Yang-tsze Keang: when that occurs,

the people remove to the hills on the opposite side. Was interested by the appearance of a family containing four generations, amounting to about twenty persons, in the same house. The patriarch was only 70 years of age; at his feet stood his great-grand child, whilst his son was working at his father's coffin. I asked the old man why he now prepared his coffin. He said he felt his health decline, and he wished to have a place ready, in which to rest after death. An opportunity did not offer to ascertain his views of a future state of existence. When asked if the sight of his coffin did not excite mournful ideas, he replied, "No." A mandarin with me remarked, "His mouth says *no*, but it is not the language of his heart."

In the distance is seen a lofty mountain called Kew-hwa Shan, from the circumstance of a temple being erected on it to the god Kew-hwa. The ascent is said to be so difficult in some places, that in going up it is judged necessary to attach a rope from above to the persons ascending. At the temple are upwards of a thousand priests. Their supplies of food are obtained from the plains below.

Saturday 9th. About 2 P. M. arrived at Gan-king Foo, the capital of Gan-hwuy. The gentlemen of the Embassy had permission to go about the town without interruption. The city is small; the people apparently wealthy, and a degree of health and color enjoyed which did not appear in other places. There is a Pagoda in the suburbs nine stories high. It is called Ying-Meang Sze. Mr. Pearson ascended to its top.

November 11th. Arrived at this village last evening: it is called Hwa-yuen Chin, and is about 90 leagues distant from Gan-king. Rain and wind prevent our proceeding. About half past four P. M. Millidge, a marine, who was attached to Mr. Morrison for the purposes of the Embassy, in passing along the outside edge of the boat, fell overboard and was drowned. The current was very strong. Mr. Griffith looked out immediately on hearing the splash; but the man was gone. The same gentleman got into a boat, and had it rowed down the stream, but could see nothing of Millidge. He returned and felt with poles at the spot where the man fell in, but in vain. He went down in a boat a second time, whilst some of the man's comrades grappled with hooked poles at the side of the boat; but all was ineffectual. Millidge was a well-behaved man, about 30 years of age. His parents were living when he left England. The Chinese asked, whether having lost his life in this service, his parents would be rewarded.

In the evening the Chinese found the body, which was next morning interred with much decorum. The guard and band attended. Mr. Griffith read the funeral service. The Legate,

who behaved in the most gentlemanly manner on this occasion, had a stone cut during the night with this epitaph:

"The tomb of Millidge, one of the
Body-guard
of the
British Embassador.
November 12th, 1816."

The epitaph was in Chinese characters.

November 12th. About 3 P.M. passed a conical rock about 200 feet high, situated in the middle of the river. Superstition had reared, with much difficulty and expense, a building upon its southern side and at its summit. There are supported in it about a hundred priests: it is called Seaou-koo Shan, "The little orphan rock, or hill." This hill is within the limits of Keang-se.

In a south-east direction were seen numerous wild and precipitous mountains, whilst on the north-west nothing appeared but a dreary plain, the effect of which was increased by a black cloudy sky and a drizzling rain.

A little above the little orphan rock is situated the town called Pang-tsih Heen, which occupies the valley next the river, whilst its wall passes over the tops of the mountains which encircle the town towards the south-east.

In the evening the trackers' line broke, and left our boat, with only two men on board, to drift down the stream, which is rapid, and with the wind from the westward, extremely dangerous. We lost one anchor; but brought up with a second.

November 14th. Arrived at Ta-koo Tang, opposite an island called Heae Shan, "Shoe-hill." It stands in the mouth of the Po-yang Lake. On both sides are hills of varied height. In the distance on the north-west side, a lofty and remarkably pointed mountain extends its huge length. On this side there is a small town, with several temples in it, and a few shops in which provisions are sold.

On the sides of Shoe-hill there are temples with a long range of steps, by which to ascend; and on the summit is a Pagoda. During the 15th remained on account of the rain.

November 16th. Proceeded up the lake, with a little current against us. On the top of the Leu-shan, "The Mountain of Retreat," snow had fallen during the night, and remained shedding a white glare around the summit, which, contrasted with the green below, made it appear like sun-shine on the top, although the sun was quite obscured. Snow which falls now, does not usually melt till the fourth or sixth moon of the ensuing season. Each side of the lake is here hemmed in by hills of varied height. Some on the north-east side are entirely sand.

The Governor of Pang-tsih Heen called, and asked, amongst other questions, whether we had any opium with us. He says, it is used by persons even in his poor district. "There is," he said, "a preparation of tobacco used as a substitute for opium, and which they call Sze-yen."

In the afternoon arrived at Nan-Kang Foo, situated on the border of the Lake. The walls had been recently repaired, which excited a favorable anticipation as to the wealth of the place. It is, however, in a very ruinous poor state withinside. Before the town there is a stone pier running parallel with the beach, and from the centre of the pier a passage at right angles leads to the principal gate of the town. Boats pass in behind each end of the pier, and are sheltered from the agitation of the Lake when it blows hard.

Up the first street are a number of the stone arch-ways called Pae-fang or Pae-loo. There is on them a great variety of curious sculpture, representing birds, animals, men, horses, and so on. They bore the dates of Wan-leih and Kea-tsing, of the last dynasty. There are in the town two Wan-Meaou, as the Temples of Confucius are called; and a Woo-Meaou, as the Temples of Kwan-Te, the military demi-god of China, are denominated.

Most of the party took extremely interesting walks to the Leu-Shan, "Mountain of Retreat." A small stream issued from the side of the mountain, and fell a considerable height. It was seen distinctly from where the boats lay.

November 19th. Visited the Pih-luh tung Shoo-yuen, "College of the White Stag Valley," which is situated about six English miles to the north-west of Nan-Kang Foo. It is a place famous in China. It was anciently a national seminary, and in it Choo-foo-tsze, the favorite commentator of Confucius, taught about six hundred years ago. There is still bearing flowers a (Kwei-hwa-Shoo) tree which he planted with his own hand. Persons are prohibited from plucking its leaves or flowers. Some of the gentlemen, however, who felt interested by the name of Choo-foo-tsze brought away a few small twigs.

The college is situated at the further end of a beautifully wild ravine. A torrent of water runs over a broken rocky bed, which in passing up it is necessary to cross several times. The hills are high, and more or less wooded on each side, whilst beyond the stupendous "Mountain of Retreat" lifts its black and rocky summit in rugged points, called "The five old peaks."

This place is visited by many Chinese scholars of eminence, and the inscriptions neatly cut on a black stone are very numerous. About 200 yards from the College, a rock hanging over the brook

is pointed out as the spot where Choo-foo-tsze angled at his leisure hours.

The writer of this felt more interest and pleasure from a sight of this place, than from any thing else that occurred during the whole journey.

Wednesday, November 19th. Reached Woo-ching-Chin, situated on the left bank of the Tan-ho, which flows by the capital of Keang-se and enters the Po-yang Lake.

Woo-ching-Chin is a great depôt for the commodities of various provinces. There are in the town very elegant Hwuy Kwan, or halls of merchants, from the same province.

There is also a very spacious and elegant temple, dedicated to a man whose name was Heu Chin Kun, who is deified, and is called "The happy lord of Keang-se."

His temple was by some Emperor denominated Wan-show Kung, which is the name by which it is now known. Here the front is decorated with various devices on porcelain, and with handsome masonry. A large court is formed in front, and a fine building raised on the opposite side for the public performance of plays.

November 21st. Arrived at Nan-chang Foo, the capital of Keang-se, where we had to quit the boats with which we had navigated the Yang-tsze Keang and the Po-yang lake. The remaining part of the journey was by the same road as the gentlemen of Lord Macartney's Embassy.

Whilst at Nan-chang Foo, an alarming fire broke out in the evening in the suburbs, on the banks of the river. Our fire-engines were offered to the Legate, who, with many professions of thanks, declined accepting them, as it was the duty of the local officers to see the fire extinguished, not his. In about the space of two hours they succeeded.

November 27th. The Legate sent a covered boat to take the Embassador, and any other gentlemen who chose to accompany him, to see a temple called Hwa Wang Meaou, "The Temple of the King of Flowers." His Majesty is represented seated on a fantastic group of rocks, surrounded by gay divinities, male and female, for each month of the year. The figures were quite new, and painted in the most lively colors. The temple was supported by the salt merchants in the neighbourhood, who in an adjoining hall had placed an idol denominated Tsae-Shin, "The God of Wealth." Before him was a stage for theatrical exhibitions, which are blended with the service of all the temples.

On the evening of the 27th reached a village called Shu-chih. In front of the boats saw an instance of the harsh usage to which

the people in China are subjected from the police runners, who are armed and dressed like soldiers. A respectable-looking man, walking quietly away, was seized by the tail and the beard, and dragged away to receive Ta-pan-taze, "A bambooing." On enquiring the cause, it was affirmed that he had Ma-kwan, "used insolent language to an officer of the government."

At Nan-chang Foo, three hundred boats had been put in requisition for the Embassy, and had been detained two months. Having received no pay for a whole month, they appealed to Government for support, and had then to each boat 150 cash, that is about fourteen pence daily, given them.

December 2nd. Mr. Hayne's boat struck against a rock, and filled with water; the boatmen ran her on shore and saved every thing: his clothes and books were, however, much injured. In the evening the boat, already repaired, overtook the rest of the fleet, and was again taken possession of by the gentlemen who had been wrecked in her at noon.

The fleet now consisted of about a hundred boats, which, passing with their sails spread up the river Kan-keang, whose stream, clear as crystal, meanders at the foot of hills and mountains, formed a fine sight.

December 5th. All the boatmen in our fleet sent a petition to the Embassador, requesting a pecuniary gratuity to enable them to perform the usual rites, before passing the eighteen rocky rapids, called Shĭh-pă-tan. The Legate sent a Tan-sze, "Master of the Rapids," or pilot, and a soldier, to assist in each boat. The river in this neighbourhood abounds with rocks just above water, the passage between which is frequently very narrow. The bed of the river is a ravine enclosed by hills and mountains, generally barren, but now and then clothed with firs, and occasionally a few trees of other kinds along the shore. The morning of the 7th set in with a cheerful sun, but became overcast with thick black clouds, which hung on the tops of the mountains, and gave the whole a wild gloomy appearance.

December 10th. All the boats were provided with new tow-ropes, to drag the boats up the "Pillars of Heaven," which is the name of a dangerous rapid. We saw a recent wreck of a fine boat as we ascended the rapid. In the evening arrived at Kan-chow Foo, where two streams unite. One comes from the province of Fŭh-Këen, and the other, called the Western-river, from the mountain Mei-ling, which divides Canton from Keang-se.

Early the next morning walked half-way round the ramparts to an elegant Pagoda nine stories high. The external appearance was compared by De Guignes (but with little propriety) to the bam-

boo bonnets of p or Chinese piled on each other. Several gentlemen ascended the pagoda to view the surrounding country.

December 15th. Passed some very beautiful spots in the morning. The stream is clear as possible. The bottom generally pebbly. The hills and plants on each side throw a dark hue upon the surface of the water, which runs a continually winding course. The numerous water-wheels described by former travellers, in constant motion and shaded by green foliage, along the banks of the limpid stream, delighted the eye.

The Legate has on two or three occasions of late ordered his own boatmen, and those of some other boats, to be beaten with twenty stripes for not getting their boats on with greater expedition. Those who dragged the boats were exposed to the rain from heaven, and walked a great part of the day up to the middle in water. That in times of perfect tranquillity (for a state of rebellion and anarchy does not apply)—that in a state of perfect tranquillity a poor man who has labored all day in the profession to which he is devoted, shall be liable at the close of the day to twenty blows upon his bare breast (a punishment at once ignominious and painful) merely because he could not bring his labors to the successful close which some others did, is really detestable. The minds which can inflict and the minds which can bear such treatment, how different from the minds of Englishmen!

December 18th. Arrived at Nan-gan-Foo. Here we had to disembark in order to pass the Mei-ling Mountain; the first land journey which we had to take since leaving Tung-chow.

A Kung-kwan, "Public or Government lodging," was provided on shore. There were three houses. That intended for the Embassador was very good for a Chinese house. One of the others was that in which the Dutch Embassy had been lodged twenty years ago. The Frenchman who was of that party, had written his name on one of the wooden pannels of the window, with a black-lead pencil. The name is still perfectly legible: thus,

"de guines Tozy"
1795.

Mr. Tozy was a Dutchman, seen by the persons of the present Embassy at Batavia. It was remarked, on seeing these names, "How frequently the Chinese wash their houses!"

On the 19th the presents were carried across the mountain. The large glasses cost 120 Jaels to transport them over it.

December 20th. The Embassador and suite, some in chairs and some on horseback, performed the journey. The pass on the top of the mountain is about 30 Chinese leagues from Nan-gan-Foo, and 90 from Nan-heung-Foo on the Canton side. There is a paved path all along the valley on each side of the hill. Towards the

top the difficulty of ascent is lessened by steps, distant from each other about three or four feet. The path, cut down through the solid black rock, was made during the dynasty Tang, about a thousand years ago, by an individual who had retired from Court. A tablet still remains, which, it is said, was erected at the time, but it is now illegible. An arched gate-way of brick stands in the middle of the pass. It had a tower on the top of it, but it is now fallen down. On one side of the gate it is Keang-se province, on the other the Province of Kwang-tung (Canton). The view towards Keang-se is very wild and dreary. Towards Canton, the view is intercepted by hills on each side of the passage, and a few trees give it a pleasing effect just as you pass through the gate; but none of the "florishing fields and gardens" mentioned in the accounts of the last Embassy, as "laid at the feet" of the traveller, are to be seen after getting through the defile just mentioned; the prospect is just as dreary and barren as on the Keang-se side of the mountain.

On the sides of the rock in the pass are various inscriptions cut out. Teen le jin tsing, "Heavenly principles and humane feelings," apparently applied to the man who made the pass, appear in very large characters. His image is placed in a Temple on the Canton side of the gate, and is worshipped with divine honors. In the temple a Mei-hwa Shoo, "Mei flower tree," was in full blossom. From this tree the name Mei-ling, "the Mountain of the Mei-flower," is derived.

Dec. 21st. At Nan-heung Foo the Embassy again embarked in small boats, the river being extremely shallow.

Dec. 26th. At Chaou-chow Foo removed to larger boats, in which on the first of January 1817 we arrived at Canton.

Captain Maxwell in his barge, attended by about twenty ships' boats, filled with officers and gentlemen, came to meet the Embassador. The American Consul B. C. Wilcocks, Esquire, joined the party in a boat carrying the American colors.

In the evening his Lordship landed in State at a Temple called Hae-chang-sze, situated on an islet opposite the European factories at Canton. It had been fitted up in a most splendid manner, in a style partly Chinese and partly English, under the direction of J. B. Urmston, Esquire, of the Select Committee of supracargoes. In the evening his Lordship took his New-year's dinner with a large party of Englishmen at the Honorable Company's Factory. The gentlemen of the Embassy were delighted to meet again their countrymen, who had long anxiously expected them. Every heart was glad.

January 1st. The Legate waited on the Embassador to congra-

tulate him on his arrival. Several days were occupied in arranging the etiquette of an interview with the Viceroy.

On the 7th he, the Foo-yuen, and the Hoppo, were received by the Embassador and two Commissioners. He brought, carried by thirty-six bearers, in a little yellow sedan chair, a letter from the Emperor of China to the Prince Regent. Lord Amherst, Sir George Staunton, and Mr. Ellis, had the precedence resigned to them by the Viceroy and other two officers.

The Viceroy mentioned that the duties of the Hewitt had been remitted in consideration of her bringing out the presents. He next adverted to his Imperial Majesty's bounty in permitting the trade for so great a length of time. The Embassador said, he believed it was a *mutual* benefit to both countries. The Viceroy wished that obligation and dependance should be acknowledged; but when he found that such a tone was unpleasant, he said, "Well, we will not speak on subjects that may excite angry feelings—may amity long continue!" The Embassador wished him health and prosperity, and so took his leave. An entertainment was presented in the name of the Emperor.

January 9th. The Embassador returned the Legate's visit. The old gentleman was cheerful and chatty, as usual. A few days after, on the invitation of Sir George Staunton, he met the Embassador at the Factory, and sat down to an entertainment with a large party of officers and gentlemen.

January 19th. He waited on Lord Amherst to take his final leave, and expressed a hope that the Embassador would represent matters to his own Sovereign in a way calculated to preserve peace and goodwill between the two countries.

On the 20th the Embassy left Canton. His Lordship and suite went to Whampoa in Captain Maxwell's barge. The band and guard preceded, and two lines of boats followed. The Viceroy placed himself in a boat on the river where his Lordship had to pass in order to take leave of him. Numerous salutes were fired all the way down the river.

January 23d. The Embassador and suite landed at Macao. Chinese troops were marched into the town to receive his Lordship on the beach.

Before he sailed an interesting document was obtained. It was a manifesto written by the Emperor's own hand, and addressed to the whole world,—to foreign nations as well as to his Tartar and Chinese subjects. In this he expresses regret and shame for what was done: to take blame to himself was all that he could suffer, but the courtiers who had deceived him he delivered to be tried by the proper tribunal: they decreed that the Duke should have his

title taken from him; that Moo should be laid aside entirely; that Soo should be degraded to the fifth rank, and that Kwang should be made a subordinate secretary of the 8th rank, and next spring, on his return, be sent to Tartary to officiate there. The Emperor pitied his brother-in-law the Duke, and retained his title, but took from him all his important situations. Soo, if he behaved well eight years, might be permitted to supplicate restoration to his dignities. This however was like adding mockery to degradation, for Soo is now nearly seventy years of age, and will, should the grave not become his habitation ere the period of probation be expired, be unfitted by extreme old age to hold any important public situation.

The Duke and Moo reported from Tung-chow that the Embassador was daily performing the Tartar ceremony with a degree of veneration and respect that merited the highest commendation; a statement founded on a positive untruth. Men who can deliberately and officially write an absolute falsehood sink very low, whatever their rank may be, in the estimation of every well-regulated mind. Their degradation can scarcely be regretted. The most ludicrous occurrence is the case of the loquacious Judge of Chih-le, who was introduced to the reader in the preceding pages. He went to Court and informed his Majesty of the lectures he had given, and the questions which he had put to the English. The answer he received was: "I did not send you to lecture, nor to ask questions, but to see the Embassy safely and quietly out of the Province; for your officiousness you shall suffer." My Lord Judge was forthwith degraded and sent into banishment.

Notices respecting Mohammedans and Jews.

Mohammedans were found in every part of our journey. They frequently hold situations in the government.

On the evening of September 10th, whilst walking on shore, at a village called Too-leaou, about fifty miles from Teen-tsin, I observed written on the lantern of a poor huckster's shop Hwuy-Hwuy laou tien, "An old Mohammedan Shop." On stepping to ask the owner, who was an old man, whence he came, he replied, from Se-yang, "The Western Ocean." When urged to say, from what country of the west, he said he did not know. He understood his family had been in the place he now was for five generations.

He informed me that there were many Mohammedans in the neighbourhood; they had a Le-pae Sze, "temple for worship;"

they observed every third and seventh day, chiefly the seventh. They used for the Chinese word Tëen, "Heaven," the word Choo, "Lord or Sovereign."

The old man could not read: he did not cease to sell commodities on the sabbath.

October 13th. At a temple of Fŭh, near Kwa-chow, met with a gentleman who held a situation in the government: on entering into conversation with him, it appeared that he was a Mohammedan.

He said he understood the Mohammedans came over to China during the dynasty Tang, about 1200 years ago.

In Chinese the Mohammedans express the Deity by Choo, "Lord," and not by Shin, "a god or spirit;" because, he said, "the gods (Shin) were included in things created."

"We," said he, "venerate the Lord, who is the true Lord of what exists and what does not; the Creator of all things." He is "not like any thing; not to be compared to any thing: the one only true Lord." He called the sabbath by the name "Choo-ma-urh."

He informed me that at Kae-fung Foo, in Honan province, there were a few families denoted Teaou-kin Keaou, "the plucking-sinew sect," because they take away the sinews from all the flesh which they eat. They also had a Le-pae Sze, or Temple of Worship. They observed the *eighth* day as a Sabbath. He regarded them the same as the Tëen-chow Keaou, which is the name by which the Christians are known in China.

The above statement exactly corresponds with what is related in Grosier, on the authority of a Romish Missionary. That person saw and conversed with the people of whom he spake, and he considered them as *Jews*.

The gentlemen felt a little unwilling to converse on the subject of religion; said it was not their custom to do it; but to satisfy the curiosity of a stranger, and as I had been civil to his brother, he now did so. The Priest of Buddah was sitting by and handing tea all the time.

November 27. At Nan-chang Foo, the capital of Keang-se, was visited by a young military Mohammedan officer. He said that in Keang-nan they had 36 Mosques; where we then were, there were three. He affirmed the same as the persons above mentioned respecting the terms used for the Deity. Respecting the Chinese word, "Heaven," and Shin, "spirit," he said, "Heaven was created by the Lord, so were the (Shin) spirits."

Their sabbath occurs on our Friday. In the Chinese Calendar it falls on the days Kang, New, Low, Kwei, which are four of seven characters applied to days successively. The teachers or priests

they call Laou-sze Foo. There is one expounds, sitting, on the sabbath. Thirty or forty attend at Nan-chang foo. Require the people to pray five times a-day; the prayers are not translated from the Arabic. There are no books in Chinese containing the service or doctrines of the sect. The term in Arabic answering to the Chinese Hwuy-hwuy, he understands to be Moo-se-ne-ma-na, probably *Musselman.* Return on sabbath from the Mosque to their usual avocations.

The young officer said many of the sect were not very strict. He himself took a little wine to strengthen his arms for shooting with the bow.

Religion and Morals.

In passing through a country, secluded from general intercourse with its inhabitants, little can be ascertained as to the effect of religious or moral principles on the human mind.

The very frequent decay and ruin in which the temples of superstition were found by the present travellers, seemed to denote a decay of the sentiments which prompted the rearing of those edifices.

What the prophet Isaiah said of Judea two thousand years ago is still true of China, "their land also is full of idols; they worship the work of their own hands—that which their own fingers have made." Is. ii, 8.

The sect of Füh or Buddah, is more prevalent than that of Taou. There are some temples of the latter which appear occupied by the priests of the former. One temple occurred to the writer of this which seemed to be of neither sect. Bloody sacrifices had been offered to the idol, the steps to whose altar were yet red with gore. Time did not permit a fuller investigation, as there was no person on the spot who could give any satisfactory account of it. A calculator of the fates of men sat at the gate, with his apparatus about him, but he could not tell to whom the temple was dedicated. The fortune-telling superstition seemed very prevalent in some towns; the professors of the art kept regular shops.

'Tis liberty alone that gives the flower
Of fleeting life its lustre and perfume;
And we are weeds without it. All constraint
Except what wisdom lays on evil men,
Is evil; *hurts the faculties, impedes*
Their progress in the road of Science; blinds
The eye-sight of discovery; and begets
In them that suffer it a sordid mind
Bestial, a meagre intellect, unfit
To be the tenant of man's noble form.

Cowper.

China does not enjoy *liberty*. Her government is a military despotism. Her virtues and her vices are those of slaves. Always artful, suspicious, intriguing, the Chinese are complaisant and servile, or insolent and domineering, according to circumstances. They affect great care to prevent irregular intercourse of the sexes; and yet are well known to be very debauched. Indecent representations were found everywhere exposed the same as at Canton. The strong arm of power intimidates them, and they acquire a habit of departing from the truth. Of this numerous instances occurred in the course of the journey.

The Tartars were generally more proud and haughty than the Chinese.

If "barbarity" or being "barbarous" expresses something savage, rude and cruel, the present inhabitants of China do not deserve the epithet; if it expresses a cunning selfish policy, endeavouring to deceive, to intimidate, or to brow-beat, as occasion may require, connected with an arrogant assumption of superiority on all occasions, instead of cultivating a liberal, candid, friendly intercourse with men of other nations, they are barbarians,

OBSERVATIONS

ON

PARISH REGISTERS

AND THE

MARRIAGE OF NON-CONFORMISTS;

WITH THE

OUTLINES OF A BILL

(HUMBLY PROPOSED)

FOR ESTABLISHING A MORE CERTAIN AND GENERAL REGISTER OF MARRIAGES, BIRTHS, AND DEATHS IN EACH PARISH.

TO WHICH IS ADDED THE

CELEBRATED EDICT

OF

LOUIS XVI.

KING OF FRANCE,

IN 1787,

FOR THE VERIFICATION OF THE MARRIAGES, BIRTHS, AND DEATHS, OF THE NON-CATHOLICS.

ORIGINAL.

LONDON:

1819.

ADVERTISEMENT.

The author of the following pages was at Paris when the celebrated Edict of Lewis XVI. concerning the registering of the marriages, births, and deaths, of those who do not profess the Roman Catholic faith, came out, which received universal attention, and the approbation of all, not blinded by bigotry. The plan now humbly offered was drawn up soon after, founded thereon. Whatever may be its demerits, the translation of Lewis's Edict, it is presumed, will be perused with satisfaction.

ON

PARISH REGISTERS.

Every plan for facilitating the means of verifying marriages, births, and deaths, it is humbly presumed, may have some little claim to attention, especially when the inaccuracy of our present parish registers is so often and so justly complained of.

In a country where the mild laws of religious toleration are so much approved and so thoroughly established, it is surprising that the marriage ceremony should be confined wholly to the Established Church, except in two instances, viz. Quakers and Jews. Yet it cannot be denied surely that other dissenting congregations have an equal claim to similar indulgence.

However, it is much to be wished that, whatever ceremonies may be thought necessary by the contracting parties and their particular friends to render this union complete, there should be one form in law so simple in its structure and so easy of verification, as to be perfectly unobjectionable to every religious persuasion. The wise edict of the unfortunate Louis XVI. dated at Versailles in the month of November, 1787, and registered in the parliament of Paris the 29th of January following, was of this description, and gave universal joy throughout his dominions. His *non-catholic* subjects were thereby enabled to contract legal marriage without conforming to the established worship, and to have their births and deaths regularly verified. Yet the defect of this edict seems to be the want of one general register; for, while some declarations of marriage, birth, or death, were made before one court, others before another, and some before a third, it must render the verification more difficult to posterity than if there were but one register in each parish, to be referred to.

As things now are, if a couple happen to marry in the Quakers' Meeting, and afterward change their religion, (a circumstance far from uncommon,) their posterity, in few generations,

entirely forget that their ancestors were of that society; and when it becomes necessary to make out a pedigree, in order to succeed to the estate or effects of a distant relation, they are astonished at not being able to prove some marriage, and the consequence is the loss of the whole property.

But since it is admitted,[1] that marriage, by the common law, is merely a civil contract, it is to be presumed that the most zealous Churchman would have no objection to its being solemnised between *non-conformists* without the intervention of a priest, at least in his sacerdotal character, particularly as the religious ceremony may still be had when required, and people of every persuasion be allowed to observe privately, in their own temples, such forms as may be thought necessary *pro salute animæ.* Yet it will surprise many to be informed, possibly, from such high authority as Sir William Blackstone,[2] that the celebration of marriage was not introduced into the Church before the Pontificate of Innocent III.; and that, prior thereto, religion constituted no part of the ceremony.

It seems then that, during the twelve hundred years which elapsed before the spiritual reign of this Pontiff, the Christian Church had no concern in the marriage contract. However, that we may the better be enabled to form a judgment of the *motives* which induced this Pope to make it one of the seven sacraments, (which it still continues to be in the Roman Catholic faith,) it will not be amiss at this time to have a short account of his life.

Innocent III. was born at Anagni, in the Campania di Romania; his name was Lotharius Conti, of the family of the counts of Segni. His learning and abilities are said to have gained him a cardinal's hat; and in 1198, upon the death of Celestin III., he was raised to the Papal Chair.

His first attention was directed to unite the Christian princes in a crusade to the Holy Land, and against the heretical Albigenses, (as they were then termed,) who were laying Languedoc waste.[3] Princes, by him, were treated with no more respect than their subjects; he put the kingdom of France under an interdict, because Philip II. had presumed to divorce his queen without his permis-

[1] "Our law considers marriage in no other light than as a civil contract. The *holiness* of the matrimonial state is left entirely to the matrimonial law: the temporal courts not having jurisdiction to consider unlawful marriage as a sin, but merely as a civil inconvenience." BLACKSTONE'S *Com.* Vol. i. p. 433.

[2] BLACKSTONE'S *Com.* Vol. i. p. 439.

[3] It was during these wars, in 1200, that he established the *Holy* Inquisition.

sion; and he excommunicated the King of England with as little ceremony. His severe usage of John is familiar to the readers of English history. By a bull, he declared the British monarch deposed, and his subjects absolved from their oaths of allegiance. Raymund, the heretical Count of Thoulouse, was treated in the same manner. The temporal power of the Pope was by him erected on a solid foundation. He reduced several provinces under his sovereignty; and made more conquests in a short period, than the Roman republic had in four hundred years. The Senate, which had never yet been reduced to the dominion of the Church, at length submitted to this imperious priest. The office of consul was abolished; and Innocent took upon himself to invest the Prefect of Rome with his charge, which prior thereto had been received only from the Emperors.

It was under this Pope that the Roman Pontiffs commenced their temporal reign, and began to take advantage of their religious character to elevate themselves above the sovereigns of the earth, whom they presently made crouch before them.

It was Innocent III. who convoked the general council of Latran in 1215, which is reckoned the thirtieth by the Canonists; and the decrees then passed have been the foundation of the future discipline of the Roman Church.

But notwithstanding it was declared by the thirteenth canon of this council, that *no new religious order should be established*, lest the too great variety of habits and diversity of regulations should cause confusion in the Church, it was this very Pope who instituted the Dominicans, Franciscans, and some others. He died in 1216.

Innocent III. was undoubtedly a man of abilities, and well versed in the learning of the times; but his ambition was unbounded, his pride insufferable, and his government tyrannical. It is but doing him strict justice, however, to observe that, where his own particular advantages were not concerned, he was impartial. He would sit and hear causes in the public consistories himself, the practice of which he restored; and the credit of his superior penetration brought many celebrated trials to Rome. His works have been printed:—at Cologne, in folio, in 1575; and at Venice, in 1578.

It is sufficient to be acquainted with this sketch of the life of Innocent to judge of the motives which induced him to introduce the matrimonial tie into the Church, since it the better enabled him to subjugate mankind to his nod. But, however indissoluble the knot may be rendered by the Law or the Church, the human will remains still unrestrained, and we have daily but too many proofs of it.

Since then experience teaches us, that the most sacred vows at

the altar in Roman Catholic countries are of no avail, and that, even in our own, it too often becomes necessary for the legislature to interfere between man and wife, to break those bonds which religion had sanctified; we have surely no cause to regret that the original contract is, by our law, less binding, especially as the temporal advantages remain the same.

But with regard to non-conformists, they seem, in this case, to have a claim on the justice of the nation; and since the satisfaction which those people would receive by the change would ultimately tend to the advantage of the land, as well as render more correct the occasional enumeration of population, now so highly necessary and so much desired, it is to be wished that some attention might be paid thereto.

It cannot be denied that, since the practice of the wedded couple's signing the register of their marriage, it has secured the remembrance of it to a greater certainty; but it not being required by law that any one should sign the entries of births[1] and baptisms, they are in consequence neglected by the clergy, who often trust them to their memory from day to day, from week to week, and from month to month, till at length when they open the book for the purpose of insertion, one half are forgotten and many are misnamed. Another cause of this neglect arises from its not being usual to register the birth but the baptism; and as the clergyman is repeatedly called on to give private baptism to new-born infants whom he does not think of registering till brought to church for the public ceremony, which is too often neglected, the consequences are that the entry is not made, and posterity wonders at the omission.

In Roman Catholic countries these neglects are more rare, since it is usual to carry children to Church the very day they are born, to receive baptism, when the same is immediately entered in the parish register and duplicate in presence of the sponsors.

These glaring defects and improprieties, we trust, will induce the legislature to take the same into serious consideration.

The following is humbly offered as the outlines of a bill for directing a universal and *authentic* register of marriages, births, and burials, in every parish.

I. Whereas great inconveniences arise from the want of one general and authentic register for marriages, births, and burials of persons of every religious persuasion, and it is highly proper that

[1] These indeed are rarely inserted at all, or if inserted, it is done in such a manner as to render the proof almost as difficult as if no such entry had been made. The Romans were obliged to set down the names of their children in a register, in the temple of Saturn, a few days after their birth. See an allusion thereto in the 9th Satire of Juvenal, line 84, and a note thereon in Mr. Giffords translation, verse 111.

the same should be regulated so as to prevent the like in future; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present parliament assembled, and by the authority of the same, that from and after the day of all and every marriage and marriages which shall be solemnised in England, Wales, or town of Berwick upon Tweed, otherwise than according to the forms prescribed by an act passed in the twenty-sixth year of his late Majesty King George the second, intitled "An Act for the better preventing Clandestine Marriages," shall be null and void, whether among the people called Quakers, or those professing the Jewish or any other religion whatsoever, save and except as hereinafter mentioned.

II. And be it further enacted, that from and after the said day of it shall be lawful for all and every description of *non-conformists* to contract matrimony within the dominions aforesaid, by complying with the regulations of the said act of the twenty-sixth year of his late Majesty, in all respects where the same are not altered, as hereinafter particularly expressed and declared.

III. Provided always, and be it further enacted, that whenever it shall be signified to the minister that the parties to be married are *non-conformists*, unwilling to comply with the usual forms of the Church in the marriage ceremony, the same shall be dispensed with, and the following substituted in lieu thereof. The man and woman who intend to intermarry shall, between the hours of 8 and 12 in the morning, repair to the vestry, or, where there is no vestry, to such other room or place within the parish as the minister shall appoint, and there, in the presence of the said minister and two or more credible witnesses, shall publicly declare their contract of marriage in these words: First the man shall say, *I take thee (M.) to be my wife;* then the woman shall say, *I take thee (N.) to be my husband;*[1] which shall be deemed and taken to be a sufficient marriage to all intents and purposes whatsoever, any thing in any act or acts of parliament to the contrary notwithstanding.

IV. And in order to preserve the evidence of such marriages thus contracted, and to render the proof thereof more certain and easy, be it further enacted, that from and after the said day of and immediately after the celebration of every such marriage, an entry thereof shall be made in the register kept for that purpose, in which entry or register it shall be expressed, that the said marriage was celebrated by banns or licence; and if both

[1] Let not this slight form be regarded as a novelty: the form used by Quakers at this day is not more, and yet such constitutes a legal marriage.

or either of the parties, married by licence, be under age, with consent of the parents or guardians, as the case shall be; and shall be signed by the minister with his proper addition, and also by the parties married, and attested by such two witnesses, which entry shall be made in the form or to the effect following; that is to say: A. B. of (the or this) Parish and C. D. of (the or this) Parish (*Non-conformists*) were married in this parish by (banns or licence) with consent of (parents or guardians) this day of in the year by me, J. J. (Rector, Vicar or Curate.) This marriage was solemnized between us A. B., C. D. in the presence of E. F., G. H.

V. Provided always, and be it further enacted, that whenever it is proposed by the parties about to intermarry, that the ceremony of *Non-conformists* before mentioned shall be substituted for that of the Established Church, the persons to be married shall, seven days at least before the time required for the first publication of such banns, respectively deliver or cause to be delivered to such minister, a notice in writing of their true names, and of the house or houses of their respective abodes within such parish or extraparochial place, of the time during which they have dwelt in such house or houses respectively, of their intention to intermarry as non-conformists, if a marriage by banns be intended, and in that case a copy of the banns, signed by the Clergyman, shall be affixed to the Church-door immediately after Divine Service on each of the days of publication. And in case the parents or guardians, or one of them, of either of the parties who shall be under the age of 21 years, shall forthwith signify his dissent to such marriage in writing to the minister, such publication of banns shall be absolutely void.

VI. And it is hereby further enacted, that whenever it is intended by the parties about to marry, that the ceremony of non-conformists before mentioned shall be substituted for that of the Established Church, and a marriage by licence is proposed to be had, it shall be expressed in the said licence of marriage that the parties to be married are non-conformists.

VII. And be it further enacted, that from and after the day of in every parish church within England and Wales, and town of Berwick upon Tweed, there shall be provided by the churchwardens, at the charge of the parish, one parchment book, wherein shall be entered the day and year of the birth of every child born within the parish, according to the form hereinafter mentioned:

VIII. And it is hereby further enacted, that within thirty days next after the birth of any child in any parish, the father of the said child shall personally appear before the minister, or in the father's absence or illness the mother, or in case of her being un-

able to attend, then some person on his or her behalf, and declare the day of the child's birth, the name of the father and mother, (but if a bastard the name of the mother only,) the name it has received, whether it has been baptised or not, and when and where so baptised; all which particulars the said minister shall enter or cause to be entered in the said register, sign the same with his name, and cause the same to be witnessed by the person making the declaration. And if any doubts shall arise whether the said declaration be in all respects true and just, it shall be lawful for the said minister to examine into the circumstances upon the oath of the party making the said declaration, or the oath or oaths of such other person or persons as the said minister shall think fit to examine, which oath or oaths the said minister is hereby authorised to administer. And if no such declaration shall be made within thirty days next after such birth as aforesaid, then the goods and chattels of the father or mother, or person in whose house the said birth shall have taken place shall be liable to the forfeiture of five pounds, to be levied by distress by warrant of one justice of the peace, one half to be paid to the informer, and the other half to the minister of the parish; but if the minister be the informer, then he shall be entitled to the whole penalty.

IX. And be it further enacted, that whenever any person shall die or be buried in any parish, and not be interred in the churchyard thereof, some person present at the said burial, or when the body was put into the coffin, shall within thirty days next after such burial make declaration of the same to the minister of the parish where the interment took place; and the said minister shall enter or cause the said sepulture to be immediately entered in the register of burials, sign it with his name, and see the same witnessed by the person making the declaration. And if no such declaration shall be made as aforesaid within thirty days next after such demise, the same penalty shall be levied and applied in the same manner as is herein before directed for not making the declaration of birth. And the minister shall be in all cases a competent witness notwithstanding his being the informer or entitled to the penalty. And the conviction for either of the offences in this act mentioned shall be in the following form, or in any other form of words to the same effect, *mutatis mutandis*:

Be it remembered, that on the day of in the year of our Lord in the county of A. O. of was convicted before me, J. P. one of his Majesty's justices of the peace for the said county of for that the said A. O. (*here state the offence against the act,*) whereby he has forfeited the sum of five pounds, to be distributed as the act directs.

And no proceedings had in pursuance of this act shall be quashed for want of form or removed by certiorari.

X. Provided always, and be it further enacted, that the minister shall be entitled to receive for each and every declaration of marriage, birth, or burial, the same fee as is usually paid for marriages, baptisms, and burials, within his parish, to be recovered before one justice by distress of the goods and chattels of the party refusing to pay the same.

XI. And be it further enacted, that in all cases where an oath is required by or in respect of any thing mentioned or referred to by this act, the solemn affirmation of Quakers shall be allowed, as likewise the oaths of Jews, or any other religious persuasion, according to the custom of their faith, any thing herein, or in any other act of parliament to the contrary notwithstanding.

Edict of Louis XVI. king of France, concerning those within his dominions who do not profess the Roman Catholic faith: dated at Versailles in the month of Nov. 1787; and registered in the parliament of Paris, the 29th day of January, 1788.

Louis, by the grace of God, king of France and Navarre, to all to whom these presents shall come, greeting. When Louis XIV. solemnly forbade throughout his dominions the public exercise of any other religion than the Roman Catholic, the wish, so much to be desired, of bringing his people to observe one general form of worship, flattered by pretended conversions, prevented that great king from putting in execution the plan which he had formed in his council for legally verifying the civil state of such of his subjects as could not be admitted to the sacraments of the Church. After the example of our great predecessors, we shall continue to favor, as much as possible, the means of instruction and persuasion, most likely to unite our subjects in the general profession of the ancient faith of our kingdom; and we proscribe, with the most scrupulous regard, all those violent methods of proceeding, which are as contrary to the principles of reason and humanity, as to the true spirit of the Gospel. But, till it shall please Divine Providence to bless our endeavors, and work this happy revolution, our equity and the interest of our kingdom demand that we should exclude from the right of civil government such as do not profess the Catholic religion, whether subjects, or strangers residing among us. Since experience has long shown that these rigorous measures avail nothing, we ought no longer to permit the law thus needlessly to punish people for the misfortune of their birth, by stripping them of those rights which nature seems to demand in their favor. It appears to us that the Protestants, thus deprived of a *legal* existence, are placed in the unavoidable alternatives of, either profaning the ceremonies of the church by feigned conver-

sions, or exposing their children to contract marriages which the legislature had already pronounced to be null and void from the beginning. Indeed the law supposed that there were none but Roman Catholics within our dominions; and this fiction, now no longer admissible, has been made use of as a reason for the silence of the law, which could not be supposed to know, that there were proselytes to another belief in France, without banishing them from the kingdom, or immediately providing for their civil government. Principles so contrary to the prosperity and happiness of our dominions would have encouraged emigration and excited continual disturbances in private families, had we not provisionally taken advantage of the jurisprudence of our tribunals, to prevent greedy, collateral relations from disputing with children, born under these disadvantages, the right of succeeding to their parents' possessions. Things being in this situation, it is high time that we should by our authority put a period to these dangerous differences between the laws of nature and those of the land. We have entered on this examination with all the deliberation which the importance of the case demands. It was laid before our council some time ago, and we intended to take time to consider of the legal form we should give it; but the advantages to be reaped therefrom appeared to us so great, that we determined to publish it immediately. Though it be out of our power to hinder different sects from being in our dominions, yet we will never suffer them to be a source of discord between our subjects. We have taken the most efficacious measures to prevent improper assemblies: the Catholic religion, which we have the happiness to profess, shall alone enjoy, in our kingdom, the liberties and honors attached to public worship; while our other subjects of a different faith, deprived of all influence or power in the state, and for ever declared incapable of holding any place of trust or profit, civil or military, yet nevertheless subject to the general police for the observance of Sundays and Holydays, shall have no more than what the law of nature does not permit us to refuse them: viz. permission to have their births, marriages, and deaths, legally verified, so that they may reap the same civil advantages therefrom as our other subjects. We, therefore, by these considerations moved, by and with the advice of our council and our own knowledge, full power, and royal authority, do declare and ordain, by this our perpetual and irrevocable edict, as follows:

Article I. The Catholic, Apostolic, and Roman religion shall continue to enjoy alone, in our kingdom, the liberty of public worship; and the births, marriages, and deaths, of those of our subjects who profess the same, shall in no case be verified but

according to the rites and usages of the said religion as declared by our laws.

Such of our subjects, however, as profess any other religion than the Roman Catholic, whether they now reside in our dominions or shall come thither hereafter, shall be permitted to enjoy every advantage and right which can or may belong to them, whether with respect to property or inheritance; and they may carry on trade, or follow any profession to which they may have been bred, without molestation or trouble on account of their religion: with this exception nevertheless, that they shall not be able to hold any place of judicature, whether under us or any of our lords; nor be members of corporations having judicial powers; nor be eligible to situations which confer the right of giving instruction in public.

II. Those who are not Roman Catholics, whether subjects, or foreigners residing in our kingdom, shall in consequence be able to contract matrimony according to the form hereinafter mentioned; and our will and pleasure is, that the said marriages shall have the same effect in law, with regard to those who contract them agreeably to the said form, and their children, as those which are celebrated in the usual manner by our Catholic subjects.

III. Nevertheless, our meaning is, and be it understood, that those, who profess a religion different from the Roman Catholic, shall on no account look upon themselves as forming, within our dominions, a particular body, community, or society; or, under this pretence, fancy that they are able, collectively, to bring actions, give letters of attorney, enter into agreements, make purchases, or do any other act whatsoever. And we expressly forbid all our judges, registrars, notaries, attorneys, and other public officers, to proceed with, receive, or sign, the said actions, letters, agreements, or other matters, under pain of being displaced; nor shall any of our subjects presume to say, that they have received powers of the kind from any of the said pretended communities or societies, upon pain of being regarded as favorers and encouragers of unlawful clubs and assemblies, and, as such, punished according to the rigor of the law.

IV. Neither shall any person, pretending to be a minister or pastor of another religion than the Roman Catholic, style himself such in any written instrument; wear a different dress in public than others of the same belief; or assume any privilege or distinction whatsoever. And we do also expressly forbid their taking upon them to give certificates of marriages, births, or deaths, which we declare from henceforward to be null and void, and that, in no case, any attention shall be paid thereto, either by our judges or others.

V. We do also hereby expressly order and command all persons whatsoever, whether natives, or foreigners travelling in our dominions, of what religion soever they be, to pay proper respect to the Catholic faith and its holy ceremonies; and if any one shall presume to do or say any thing in public contrary thereto, he shall be proceeded against with all the rigor of the law, the same as any other of our subjects would or ought to be, who professes the said religion.

VI. And we do further command, that Sundays and holydays be observed by the said persons according to the regulations by law established, and that no shop be opened, nor other public sale be had, on the said days.

VII. It is likewise our will and pleasure, that all persons, of whatever rank, who reside in our kingdom, and do not profess the Roman Catholic religion, shall pay, like our other subjects, according to their property and ability, towards the maintenance, repairs, and rebuilding, of parish churches, chapels, parsonages, houses for the clergy (whether secular or monastic), employed in celebrating divine service, and, in general, all expences of a like kind to which our Catholic subjects are liable.

VIII. Those, who have resided a sufficient time in our dominions, whether subjects or foreigners, not being Roman Catholics, and who may be desirous of intermarrying with each other, shall be obliged to have their banns published in the place where each of the contracting parties lives; likewise in the place which the said parties, or one of them, may have quitted within six months, if within the same diocese, or one year if they have come from another diocese; and, in case they should be under age, then also in the parish where their fathers, mothers, guardians, or trustees live.

IX. The contracting parties shall be at liberty to have the said publications made, either by the ministers of the several parishes where required, or the officers of justice of the places, which they like, in the form hereafter mentioned.

X. The said ministers, or those chosen in their room, in case the parties address themselves to the latter, shall publish the said banns at the church door, without saying any thing of what religion the contracting parties are; and if a license has been obtained to dispense with one or both publications, it shall be a sufficient indemnification for the clergyman, who shall make mention thereof. The banns, being published in this manner, shall afterwards be affixed to the church door.

XI. In case of any opposition to the marriage, the minister shall mention it in his certificate of publication, which he shall deliver to the parties in the usual form, and for which, as well as for the said publication, he shall be paid the fee hereinafter fixed by us.

XII. Should the parties not like to apply to the minister, or if the minister refuse to act, the same shall be published on Sunday or holyday, immediately after evening service, by the chief registrar or clerk of justice, in presence of the judge or justice, or the person deputed by him; at the bottom of the notice, containing the names and additions of the parties, the date of the publication shall be mentioned, and if it be the first, second, or third time; and likewise the dispensations, if any have been obtained. The whole shall be signed by the justice, or officer deputed by him, and by the registrar, and a fair copy afterwards affixed on the out-side of the church door.

XIII. In case the banns be published in the manner last mentioned, all opposition to the marriage must be signified to the officer of justice who was present at the publication; the registrars or clerks are to mention the said oppositions in the certificates of publication of banns which they give the parties, under pain of the loss of office and making satisfaction to the said parties; and in no case shall permission to enforce the said opposition be sued out from any other judges than those who are publicly known to belong to our courts of justice, who shall determine in the usual manner, allowing to those who think themselves aggrieved the liberty of an appeal.

XIV. When the declarations of marriage, spoken of hereafter, shall not be made before the minister, they shall be made before no other judge than the chief officer of justice of the place, whether royal or seigneurial, in whose jurisdiction one of the parties lives, or before him who acts in his stead, in case of absence, on pain of the whole being considered as void.

XV. In all our bailiwicks and other courts, the chief officer, duly appointed, and conforming to the laws of the kingdom, shall be enabled to grant, within his jurisdiction, licenses to dispense with the publication of banns to those who are not of the Roman Catholic religion, in the same manner as the ordinaries of places grant them to such as are of the said religion. And the said judges shall also grant dispensations of consanguinity exceeding the third degree; but as to those who are nearer related, their dispensations shall be made out and sealed in our court of chancery, and registered free of expence by the clerks of the registry in the said places.

XVI. Whether the said parties have caused their banns to be published by the parochial minister, or the officer of justice, it shall be lawful for them to make their declaration of marriage before the said minister, or before the chief officer of justice mentioned in the XIVth article, whichever they like, bringing with them at the same time certificate of the said publication without

opposition; the proof of every opposition being removed, if any have been made; and the necessary dispensations; together with the consent of their fathers, mothers, guardians, or trustees; the same as required by law with regard to our other subjects, and under the same penalties.

XVII. In order to make the said declaration, the contracting parties, attended by four witnesses, shall repair to the house of the minister of the parish where one of the said parties resides, or to that of the said judge, and there declare that they have taken and do take each other in lawful and indissoluble marriage, and mutually promise fidelity.

XVIII. The said minister, or the said judge, shall declare to the parties, in the name of the law, that they are joined together in lawful and indissoluble wedlock; insert the said declaration in the register and duplicate intended for this purpose; and mention the publication of banns, whether without opposition, or, if any has been made, that it was lawfully removed; the dispensations, if any have been granted; together with the consent of the fathers, mothers, guardians, or trustees; sign the whole, and cause the same to be signed by the contracting parties, if able to write, and by the witnesses.

XIX. In case the contracting parties do not both live in the same parish, they may go to the minister, or judge hereinbefore described, of either parish, which they please, provided it be the residence of one of the parties, and there make their declaration; but neither the said minister, nor the said judge, shall allow the same, unless he first have a proper certificate of consent from the minister or judge of the other parish; and the said certificate of consent, which cannot lawfully be refused, either by the minister or judge from whom demanded, shall be expressed and dated in the declaration of marriage entered in the register.

XX. The rectors, vicars, or curates, to whom the parties apply to receive their declarations of marriage, shall insert them in the common parish register and duplicate of marriages within their parish; the judges in such registers as are hereinafter described, and the whole, as above mentioned, shall be subject to the same penalties as set forth in our ordinances, edicts, declarations, and regulations, with regard to the forms to be observed in the marriages of our Catholic subjects.

XXI. And with respect to the conjugal unions which may have been entered into by any of our *non-catholic* subjects or foreigners settled in our dominions, without having observed the legal forms, our will and pleasure is that, provided they comply with the following regulations, within the space of one year from the day of

the date on which this present edict shall be published and registered in our courts within the jurisdiction of their residence, they shall acquire, for themselves and children, all the rights and privileges resulting from lawful wedlock, to be reckoned from the day of this union, of which they shall bring proof, and declare the number, age, and sex of their children.

XXII. The said husbands and wives, with four witnesses, shall go before the minister, or the king's judge, where they reside, and make their declaration of marriage, which they shall be obliged to repeat in the same form before the minister or the judge of the district which they have quitted the residence of within six months, if in the same diocese; or within a year if in a different one.

XXIII. In case the said parties should be under age at the time of the said declaration, they shall bring with them, in writing, the consent of their fathers, mothers, guardians, or trustees, which the minister, or judge, shall be obliged to mention in the register where he enters the marriage; and the said proceedings shall be inserted in the same registers with the declarations of marriages newly contracted, under the penalties declared in the XXth article hereinbefore written.

XXIV. Should any disputes arise with respect to marriages contracted or declared in the forms above described, they shall first be heard by our bailiffs and seneschals duly appointed, and by no others, allowing to the party dissatisfied the right of appeal to our courts of parliament and inferior councils, and reserving to ourselves, furthermore, the power of regulating, as we shall see cause, the civil effects of unions contracted by such of our subjects, or foreigners residing in our kingdom, not being Catholics, as are dead.

XXV. The births of the children of our *non-catholic* subjects, married according to the forms prescribed by our present edict, shall be verified, either by their being baptised, if brought to church for that purpose, or by the father and two witnesses residing in the place, or in his absence four witnesses also living in the same parish, going before the judge of the place and saying they are desired by the mother to declare that the child is born, has been baptized, and has received a name.

If the parents of the child be of a sect which does not acknowledge the necessity of baptism; in that case those who carry it shall declare the birth of the child, the sect in which it was born, and show that the father and mother have been married according to the form prescribed by this present edict.

XXVI. The said declaration shall be entered in the register and duplicate designed for this purpose; signed by the father, if present, and able to sign; the witnesses; and the judge: and the

same forms shall likewise be observed as are laid down by our ordinances, edicts, and declarations, with respect to the baptism of children born of Catholic parents, upon pain of the whole being null and void.

XXVII. In case of the death of any of our subjects, or foreigners residing or travelling in our dominions, to whom the rites of ecclesiastical burial cannot be granted, the mayors, aldermen, and other chief officers of towns, boroughs, and villages, are hereby ordered and required to appropriate a proper piece of ground for interment in each of the said places; and we do charge our proctors or attorneys who have the management of our affairs in the said places, as also the stewards of our lords of manors, to see that the pieces of ground intended for the said interments be properly fenced out, in the same manner as the cemeteries of our Catholic subjects are, or ought to be.

XXVIII. All declarations of death shall be made by the two nearest relations or neighbours of the deceased; and in their default, by our proctor, or the steward of the chief lord in whose manor the demise happened, who shall be accompanied by two witnesses; and the said declaration may be made, either before the minister of the parish, or the judge, who shall receive the same and make entry thereof, the said minister in the common register of deaths, and the judge in the register intended for this purpose, of which mention will hereafter be made; and the said declaration shall be signed by him before whom it was made, and the relations or neighbours who attended; or, in default, by our proctor, or the lord of the manor's steward, and the two accompanying witnesses.

XXIX. If the relations or neighbours of the person deceased prefer having the declaration of death inserted in the parish register, they shall give notice of it to the judge of the place, who will name a deputy to attend the burial, if he cannot be present himself; and in all cases the declaration of death shall be signed by the deputy or officer of justice who was at the interment.

XXX. The corpse of no one, to whom the service of the Catholic Church is refused, shall be placed before the door of the house, as is the custom with regard to those who die in the established religion. The relations and friends of the person deceased may accompany the funeral, but shall not be allowed to sing or read prayers aloud; and we forbid all our subjects to cause or excite any tumult, insult, or scandal, on account of the said funerals, upon pain of being punished as disturbers of the public peace.

XXXI. The better to carry into execution our present edict, there shall be kept, in the principal court of justice in all towns, boroughs, and villages, of our kingdom, where there is a likelihood of the beforementioned declarations being made, two regis-

ters, the one of stamped paper, in those places where it is customary, and the other of common paper, in order to enter therein the said declarations; and also for the chief clerk or registrar of the said court to give abstracts to those who require them, in the same manner as is done with regard to the registers of baptisms, marriages, and deaths, kept by the ministers of parishes; and the paper for the said registers shall be furnished by the inhabitants of the said towns, boroughs, and villages.

XXXII. The leaves of the said registers, properly ruled from beginning to end, by the first officer of the said court, (free of expense,) with an alphabet to command the whole, shall be deposited among the records of the said court, and the chief clerk be obliged to produce it when required. The declarations of births, marriages, and deaths, mentioned in the present edict, and in the form hereinbefore described, shall be inserted therein one after another, and without any blanks; and at the end of each year, the said registers shall be closed and adjusted by the judge, directly after the last entry therein made, and such leaves as are not used shall be barred with lines across by him.

XXXIII. Within six weeks after the end of each year, the said register or its duplicate shall be deposited among the records of the bailiwick or lordship, lying within the jurisdiction of our courts, to which the said justices may be able to have recourse; and copies shall be sent by the proctors of the said tribunals to our attorney-general in the court where he attends, who shall place the same among the rolls of the said court; and those, who wish to have extracts from the said registers, may apply, either to the register office of the parish, to that of the bailiwick or lordship, or to that of the court where any of the said registers are deposited.

XXXIV. The chief clerks of our bailiwicks and lordships, properly appointed in our courts, shall also have a register bound, and properly ruled from beginning to end, by the principal officer, with an alphabet to command the whole, in order to enter therein, one after another, and without leaving any spaces between, the dispensations of consanguinity, or publications of banns, which the said clerk has granted, together with those issued out of our chancery, and directed to the said judges to that effect. This register may serve for more than one year; but at the end of each, and not later than the first of January in the following year, it shall be closed and adjusted by the said judge.

XXXV. The parties obtaining the said dispensations shall likewise be obliged to have them examined, within three days at most, at the comptroller's office within the said district, for which they shall pay the comptroller ten sols;[1] but no duty or other per-

[1] 5d. sterling.

quisite for our benefit shall be laid on the declarations of births, marriages, or deaths, nor on the extracts from the registers, publications of banns, or certificates of the same; from which we have expressly excused, and do excuse, our subjects, as well as those foreigners who shall be parties in the said declarations, or to whom the said extracts are necessary.

XXXVI. No rector, vicar, curate, or other officer beforementioned, shall, for any of these acts, receive more than the sum ordered in the table annexed.

XXXVII. It is to be understood, that nothing in this our present edict shall repeal any grant made by us, or the kings our predecessors, to the Lutherans of Alsace, or to any other of our subjects, to whom, in some provinces, or towns of our kingdom, permission has been given to exercise a religion different from the Roman Catholic; with regard to whom the former regulations shall continue. AND WE DO HEREBY command our trusty and well-beloved counsellors who compose the parliament of Paris, that they register the same; and the said edict keep, observe, and execute, according to its true intent and meaning, any thing to the contrary notwithstanding: For this is our will and pleasure; and the better to give force and stability thereto, we have caused it to be sealed with our seal. Given at Versailles, in the month of November, in the year of grace 1787, and the 14th of our reign.

(Signed) LOUIS.

Table of Fees annexed to the Edict.

(In sterling Money.)

TO THE MINISTER.

	£.	s.	d.
For publishing banns, whether three times, or the parties have obtained a dispensation for one or two publications, and the consent commonly called "Lettre de *recedo*."	0	2	6
For a declaration of marriage	0	1	3
For ditto of decease	0	0	5
For every extract of marriage or decease, the same as paid for the extracts of baptism, marriage, and burial of Roman Catholics.			

TO OFFICERS of the KING'S COURTS.

To the officer who publishes the banns	0	1	8
To the clerk for posting it up and a certificate of publication	0	1	1

	£.	s.	d.
To the judge for signing the certificate if required	0	0	10
To ditto for a certificate to the second parish of the publication, &c. when the contracting parties have different residences	0	1	8
To the clerk for drawing a fair copy	0	0	10
For a declaration of marriage	0	2	6
For ditto of birth	0	0	10
For ditto of decease	0	0	10

FOR A LICENCE.

To the first officer	0	1	3
To the clerk	0	0	7½

FOR DISPENSATIONS of CONSANGUINITY.

To the judge	0	2	6
To the clerk	0	1	3

TO OFFICERS of OTHER COURTS.

For a publication of banns:			
To the judge	0	1	8
To the clerk	0	1	3

FOR A CERTIFICATE TO THE SECOND PARISH.

To the judge	0	0	10
To the clerk	0	0	5

FOR A DECLARATION of MARRIAGE.

To the judge	0	1	8
For a declaration of birth	0	0	7½
For ditto of decease	0	0	7½
For the written instruments which they shall deliver	0	0	5

NOTES

ON A VISIT MADE TO SOME OF

THE PRISONS

IN

Scotland

AND

The North of England,

IN COMPANY WITH

ELIZABETH FRY;

WITH SOME GENERAL OBSERVATIONS ON THE SUBJECT OF PRISON DISCIPLINE.

BY JOSEPH JOHN GURNEY.

SECOND EDITION.

LONDON:

1819.

PREFACE.

The journey, which afforded me the opportunity of visiting, in company with my sister Elizabeth Fry, the prisons, to which the following little work relates, was taken during the eighth and ninth months of the last year. We travelled along the great north road through York to Edinburgh; from Edinburgh, by the eastern coast of Scotland, to Aberdeen; from Aberdeen, by the inland route through Forfar and Perth, back again to Edinburgh; thence, after a few days spent in that city, to Glasgow; from Glasgow to Carlisle, from Carlisle to Kendal, Lancaster, Liverpool, Manchester, Sheffield; from Sheffield, by Wakefield, again to York; from York, lastly, to our respective homes, one in the neighbourhood of Norwich, the other in that of London.

The principal object of our journey was connected with the concerns of our own religious Society, that of Friends; but we also made a point of inspecting the prisons in the several towns, through which we passed. In the course of this engagement, we observed a variety of particulars, which interested and affected us; and I think it right to communicate to the public the information which we collected, in the hope that it may afford some fresh stimulus, to the zeal already prevalent for improving our system of prison discipline.

It appears the more desirable to take this step, because incorrect statements respecting some of these prisons have found their way, in connexion with our visit, into the provincial newspapers; and it is evidently a matter of importance, that the public should be made acquainted with the *real* condition of these places of confinement.

The better the actual state of our prisons is known and understood, the more clearly will all men see the necessity of those arrangements, by which they may be rendered schools of industry and virtue, instead of the very nurseries of crime.

In a late interesting publication, the inquiry has been ably instituted, " whether crime and misery are produced or prevented by our present system of prison discipline." To that inquiry, the author alluded to, by his description of several ill regulated prisons, has given but too plain an answer: he has at the same time presented to us some prominent instances of a favorable kind; and, on the whole view of his case, has established the following important proposition—*that by those jails on the one hand, which are conducted on bad principles, crime and misery are produced and multiplied: and on the other hand, that prisons, in which the prisoners are classified, inspected, instructed, and employed, have a powerful tendency to that, by which crime and misery will certainly be lessened, viz. the reformation of criminals.*

To strengthen and confirm this proposition, by a variety of additional facts, is the chief object of the present work.

My Notes on all the more important prisons which we visited, have been read to the respective jailers, and have been carefully corrected since the date of our visit, by gentlemen on the spot. They may therefore, I trust, be considered accurate: they will not, however, be found to enter minutely into all the various details of each prison, but rather to dwell on those particulars, which are most connected with considerations of an interesting and important nature.

I shall now proceed to lay these Notes before the reader, according to the order in which we actually visited the prisons; and I shall afterwards venture to trouble him with a few General Observations on the subject of prison discipline. I am not sanguine enough to suppose that any remarks of mine will have much effect in forming the views of others; but if they should be the means of inducing any persons, and more especially those in authority, to give to this important subject the consideration, which they have not yet given to it, I shall be satisfied in the belief that my efforts, however feeble, have not been entirely fruitless.

In the course of my work, it has been my particular endeavour to represent and embody the sentiments entertained by my sister Elizabeth Fry, whose experience with respect to prisons is much greater than my own. As I am persuaded of the truth and importance of those sentiments, and as they have been fully confirmed by my own observation, I hope I shall be excused, if I have been inadvertent enough, in any part of the work, to press them upon the reader a little too confidently.

Earlham, near *Norwich*,
First month, 14th, 1819.

NOTES ON PRISONS,

&c.

DONCASTER JAIL.[1]

THIS jail consists of a small court-yard, two rooms on the ground floor, and two others above them; the rooms severally furnished with a small bed, and measuring thirteen feet square. Of the lower rooms, one is for male criminals of all descriptions, the other for male vagrants: of the upper rooms, one for females, whether debtors, vagrants, or criminals; the other for male debtors.

Fifteen persons have at times been locked up together for the night in the apartment allotted to male criminals, that apartment measuring, as before stated, thirteen feet square. The state of these poor wretches, when thus situated, must have been in a very high degree miserable and unhealthy. In the male vagrants' room there is no light when the door is shut, except through a hole in the door, and of course no ventilation. The criminals in this jail are ironed; they are allowed eightpence per day and firing, but neither clothing nor soap. They are totally unemployed, and receive no instruction whatever. Forty persons have been confined in this jail at once; but at this time there were only five prisoners here. The doors of the four rooms being necessarily kept open during the day, *the prisoners of all descriptions, debtors and criminals, male and female, associate freely together.* Who can wonder that crimes increase? Who does not perceive the tendency of such an association to convert into felons, the vagrant, misdemeanant, the debtor? One of the vagrants at this time in the prison was a Scotch woman, who having lost her husband, and

[1] Visited eighth month 20th, 1818, in company with several members of the Society of Friends, and two magistrates of the town.

having herself just recovered from a serious illness, was travelling homewards in company with her little child. She complained bitterly of her situation. "What could I do?" she said—"I dared not steal; I liked not to beg: destitute and afflicted, what could I do, but apply to the magistrates for a pass? The consequence is, that I am shut up for a week in prison, and exposed, perhaps, to the worst and most vicious of men."[1] The case speaks for itself.

We were much gratified by observing that the intelligent magistrates of Doncaster are anxious to correct these lamentable abuses. We were informed of their intention to erect a new prison. May they be encouraged to do this justice to themselves and to the public!

[1] By 17 Geo. II. cap. 5, it is enacted, that rogues, vagabonds, and beggars, who are found in any parish to which they do not legally belong, should be apprehended, and committed to the house of correction for any term not exceeding a month, and should afterwards receive a pass from a magistrate. This pass obliges the constable to convey them to the next parish, and entitles the travellers to support from the officers of the parishes, which lie on the direct way in succession, until they arrive at their homes. By 32 Geo. III. ch. 45, it is further enacted, that such passes shall not be given, until the parties for whom they are required have been either privately whipped, or imprisoned in the house of correction for not less than seven days.

It often happens that innocent but distressed persons, journeying homeward, are under the necessity of applying for passes. These they cannot receive, except on the ground of being considered rogues and vagabonds, nor until they have suffered a punishment always disgraceful, and sometimes, in consequence of the bad state of our prisons, not a little terrible. This is a manifest injustice, and ought to be remedied. There is, however, a still greater abuse, which prevails in connection with these Acts of Parliament.

When poor persons, residing in a parish to which they do not belong, become chargeable to that parish, they are to be conveyed by the officers of the parish, under 13 and 14 Car. II. ch. 12, or an order signed by two justices of the peace, *to the place of their legal settlement.* In order to avoid the expense of this removal—an expense which in most cases devolves on the removing parish—it is a very common practice to entice such distressed persons into an act of public begging; and after punishing them as rogues and vagabonds, to send them home to their parishes on a common vagrant's pass.

This flagrant but prevalent abuse demands the early attention of the British legislature; for it is not only totally at variance from the principles of common justice, but it strikes at the root of those moral and independent feelings in the minds of the lower orders of the people, which are the best security to society at large.—Vid. Nolan on the Poor Laws.

YORK CASTLE,—THE COUNTY JAIL.[1]

On your entry into this handsome and extensive building, you are introduced to a very spacious court-yard, in which the debtors walk, and expose various articles for sale, and into which the public are admitted with little or no reserve. On the right hand as you enter, are the court-houses; on the left the several buildings in which are imprisoned the misdemeanants and others confined for a limited term, part of the debtors, and the women; in front, the governor's house, apartments over it for most of the debtors, and the prison for male felons, both before and after conviction—the tried being kept apart from the untried. There is no inspection from the governor's house over any part of the castle, except the great court and one of the felons' yards.

The chaplain attends this prison three times in the week to read prayers, and preaches twice. The prisoners are allowed one pound and a half of wheaten bread daily, and one shilling per week; but there is one particular class of them who have one shilling and sixpence per week. From the squalid appearance of some of the men, it seemed to us questionable whether the allowance of food was sufficient to maintain them in health: the apothecary of the prison, whom we saw, expressed an opinion that it was not. Firing is now allowed to the prisoners, and soap; but no clothing, except in cases of emergency. Several of them were extremely ill clad; two men without shirts. The felons, whether tried or untried, are heavily ironed.

That part of the prison in which the women are confined, is kept in a state of cleanliness and order. The women,—of whom one was for trial, and the others convicts, about seven in number,—appeared very decent; and some of them were busily employed in washing for the debtors. Their day-room does not admit sufficient light, but is otherwise comfortable; so are their sleeping-cells, and the bedding quite sufficient. The rest of the prison, except the debtors' rooms, which we did not see, but more especially the felons' day-room, appeared to us very far from cleanly. Every yard, however, is supplied with water; the means of warm and cold bathing are provided in the felons' prison; and we were informed that the whole jail is white-washed twice in the year. The men who are sentenced to a temporary confinement are kept apart from the other prisoners, and are employed in making laces, caps, garters, &c. which are sold in the great court. By this means they earn from threepence to sixpence per day, the whole of which

[1] Visited eighth month 22d, in company with Benjamin Horner of the Grange, near York.

they are allowed to take for themselves. The male felons, whether tried or untried, are totally without employment. There were at this time about forty of them in the prison. Of these, the greater number were walking up and down a small yard, separated from the great court by a double iron palisade, or grating, the outer being divided from the inner grate by a space measuring ten feet in breadth. Through this grating they keep up a free and easy communication not only with the debtors but with the public. At this very time a great number of persons were standing at the outside, holding conversation with the prisoners. Men and women, grown-up persons and children, have an equal access to this scene of depravity and distress. It is evident, that so free a communication must give every facility to the introduction of improper articles into the prison, and probably to the pawning of the prisoners' clothes, which we understood to be a prevalent custom here: it must also afford an easy opportunity of corruption to the inhabitants of York and its neighbourhood. The day-room for these felons, opens into the yard in which they walk, and measures twenty-four feet by fifteen. The turnkey remembers the time when there were eighty felons confined in it. The night-cells connected with this part of the prison are ill-ventilated; three or four of them are totally dark, and admit no external air. The prisoners generally sleep two in a bed. Those who are unable to read, receive for the most part no instruction whatever.[1] On

[1] This has not at all times been the case, as will be evinced by the following interesting statement received from William Richardson of York, a most respectable minister of the established church.

"York, November 24, 1818. "About three years ago some boys from Sheffield were tried and condemned at York, for robbing a watchmaker's or silversmith's shop, and left for transportation. One of the magistrates, who was of the grand jury, struck with compassion for the youth and the miserable appearance of these poor culprits, spoke to them after their conviction, and, on his return to his own seat in the country, wrote to the governor of York castle, expressing a wish that some useful instruction might be afforded them while they remained there, promising to be at the expense of it, and desiring him to consult with me on the subject, It occurred to me that the best thing to be done was to establish a school in which the boys might be regularly taught. The governor was kind enough to furnish a proper room; a decent young man (a prisoner for debt) who had been master of a cheap school in the north of Yorkshire, was hired to teach this little school; and I undertook that my curate or myself would inspect it. The project succeeded beyond our expectations. The master soon grew fond of his pupils, on account of their rapid improvement in reading, writing, &c. The boys were diligent and attentive to instruction, happy, and orderly; their behaviour at the chapel, and their whole conduct at other times, gave us

the whole, although this prison has some excellencies and great capacities, its evils are very conspicuous. They are as follow:—Easy access of the debtors and of the public to the felons; insufficient clothing, and scarcely sufficient food; heavy irons; want of cleanliness, want of further classification, want of inspection, want of instruction, want of employment. It is most earnestly to be desired, that suitable accommodations may ere long be provided, to supply the last and most important of these defects. Were the prisoners employed, they would not be occupied, as has hitherto been the case, by various devices for effecting their escape. Their chains might be knocked off with safety. They would not cut even their iron bedsteads to pieces, as they have done in their present state. They would have no time to corrupt either one another or the public. They would leave the prison with the habits of industry and comparative virtue, instead of being confirmed in idleness and deepened in crime. All the evils of York castle are, with some expense and trouble, capable of being remedied;—and shall they not be remedied by the inhabitants of so extensive and so opulent a county as Yorkshire?—Our visit to this castle was re-

pleasure. This continued till the time of their departure from the castle, when they were visited by their benevolent patron, who had wished to see and examine them before they left the country. He was highly satisfied with the result of his experiment; and furnished them with useful religious books and tracts to take with them. He also made each of them a present of a guinea, saying at the same time, 'I give you this to dispose of just as you please; but I cannot help observing that the man whom you robbed is now in the castle, a prisoner for debt; and if I were in your case, I should think it right to make him some compensation for the wrong I had done him. But you are quite at liberty to do what you like.' He then left them and returned home. When he was gone, and the boys were left to themselves, they unanimously agreed to send all that their benefactor had given them (I think to the amount of five or six guineas) to the man they had robbed, desiring only that he would return them each a shilling for pocket money. The poor man, surprised and affected by this unexpected act of restitution, did more than they requested.—Care was taken to keep them separate from the other convicts during their journey to the ship, and a charge given to the master of the transport to watch over them during their voyage. I also gave them a letter to Mr. Marsden, the senior chaplain of New South Wales, recommending them to his pastoral care. This successful experiment has excited in my mind a strong wish that schools could be formed in all our larger prisons, where juvenile offenders are so often to be found. This measure, together with occupation for all, and a proper classification, seem to me, after forty years' acquaintance with the inmates of a prison, to be the most promising means of producing reformation.—William Richardson, preacher at York castle."

peated on the 29th of the 9th month, in company with Samuel Tuke, of York. We perceived no alteration in its arrangements, or in the condition of its inmates.

DURHAM OLD JAIL, HOUSE OF CORRECTION, AND NEW JAIL.[1]

The Old Jail is built over a gateway in the middle of the city. We found it clean, and in as much order, with respect to its arrangements, as the excessive contraction of the building will admit. Classification and inspection are impossible in this prison, nor is it capable of any accommodations for the employment of its inmates.

The criminals are allowed 4*s.* 6*d.* per week for each person, together with a little clothing on particular occasions. They find their own firing. They are ironed only when refractory. At this time they had all their fetters on, in consequence of an attempt which they had made the evening before to escape from prison. The chaplain visits this prison once every week.

The women prisoners are so ill accommodated that they pass both day and night in one apartment, nor are they at all classified. In the men's day-room, which is small, we observed several prisoners, two of them under sentence of death, and two detained merely for want of bail. This lamentable want of classification was, however, owing partly to the temporary disuse of another small room, not in a condition of security. You descend from the felons' day-room and from the daylight, by thirty steps, to the sleeping-cells, which *are perfectly dark, and without any ventilation except from a hole in the ceiling.* From these cells there is a still deeper descent into a horribly close dark dungeon, far under ground. This dungeon is no longer used; it is the dreadful relic of obsolete barbarity.

Besides the Old Jail, there is a House of Correction, now used only for vagrants. It is built against a steep bank close by the river. The unfortunate persons, who are confined in this prison, are obliged to pass the night in a damp and most dismal vault, measuring nineteen feet and a half by fourteen, and built immediately above the level of the river, but thirty-three steps below the street from which you enter the prison. *This dungeon is entirely without light, nor does it admit any air except from the passage which leads to it.* Fifteen persons have at times been locked up in it together. These vagrants are allowed no other bedding than straw and a few rugs. When it is considered that those to whom this detestable lodging is allotted, are often guilty of no other offence than that

[1] Visited eighth month 24th, in company with Thomas Henry Faber, Esq. one of the county magistrates, and Jonathan Backhouse, jun. of Darlington.

of passing from one place to another, and begging some assistance, it cannot be denied that in being consigned to such a place, they are treated with extreme injustice and cruelty. The very obvious evils of these two prisons have for some years been under the particular notice of the magistrates; and neither of them will be any longer required, when the New Jail, now far advanced towards its completion, is finished.

That jail is a handsome and extensive building on the outskirts of the town; its situation airy and convenient. In the middle of it is the governor's house, from which there will be inspection over all the airing-grounds; and, if certain arrangements now in contemplation are carried into effect, over the work-rooms also. On the right of this house is the debtors' prison; on the left, the house of correction; and in front of it, a large building not yet finished, intended for the reception of felons. The two former buildings are already partly occupied, chiefly by convicts sentenced to temporary confinement, some of whom beat flax and pick oakum. The day-rooms and sleeping-cells in these divisions of the prison are of a sufficient size, dry and airy. From the unfinished state of the felons' prison we were unable to form any accurate judgment of it: at the same time, we could easily perceive that it would not, on the plan then laid down, admit of any provision for work-rooms, or for the complete classification of the prisoners. We have since had the pleasure of learning that the magistrates propose making in this plan some important alterations, by which both these objects may be accomplished. It would indeed be a subject worthy of great regret, were a prison covering a large extent of ground and entirely new, to be left unprovided with those essential accommodations without which it must ever be a source of serious and deplorable evil. We were sorry to observe that so large and fine a house had been erected in this prison for the governor. The individual who is appointed to fill that office, and who is now the governor of the Old Jail, appears to be a person much devoted to his duties:—but were not this the case, might not a reasonable fear be entertained, lest the accommodations now provided for him should elevate him above his true station?

NEWCASTLE-UPON-TYNE TOWN AND COUNTY JAIL.[1]

The Jail at Newcastle, like the Old Jail at Durham, is a tower

[1] Visited eighth month 25th, in company with George Richardson and Daniel Oliver, of that place.—The county of Newcastle extends from north to south about four miles, and two miles and a half from east to west, and is very populous.

built over a gateway, and like that prison is extremely ill adapted to its purpose. On the left side of the gateway, as you enter the town from the north, there are three small rooms for felons, measuring respectively about fourteen feet square. These rooms have severally a window looking into the street, through which the prisoners have an easy opportunity of communicating with the people who are passing below. On the ground floor there is a cold and miserable dungeon, now happily disused. There is also on this side of the prison a court-yard measuring sixty feet by eighteen; but as the walls which surround this yard are considered insecure, the prisoners are never allowed to walk in it except in the presence of the jailer. There were at this time four men felons in the prison, two together in a room. Some of these prisoners appeared to have derived much advantage from the kind care and instruction of a benevolent lady, who had frequently visited them. One of them, who was going off for the hulks on the following day, earnestly begged for a bible to take with him. The felons in this prison are allowed fivepence per day. They are heavily ironed, and may be fastened, at the jailer's pleasure, to an iron ring fixed in the floor of their cells.

The manner in which they are confined is extremely objectionable. Having no access to the yard nor any sleeping-cells, they pass both day and night in their small day-rooms, without change or intermission. I have been informed by a person well qualified to substantiate the fact, that six persons have been confined for several months together in one of these day-rooms. Notwithstanding the great attention given in this jail to cleanliness, it is quite clear that such a circumstance could not take place without very serious injury to the health of the prisoners.

On the opposite side of the prison, called the Debtors' side, and on the right of the gateway as you enter the town, there are two more small rooms used occasionally for felons. In one of these we observed a wretched woman, committed on the charge of murdering her child, but apparently insane, in solitary confinement, and looking out of her window on the street below. The accommodations for debtors consist of one large day-room and six small lodging-rooms without fire-places, the doors of the latter opening into the former; also a small court-yard, of which the debtors make but little use, as they prefer taking their exercise on the leads at the top of the prison. There is no effectual separation between the men and women debtors. There was at this time one of the latter description in the jail. We found her in one of the small lodging-rooms already mentioned, to which she could have no access except through the men's day-room. We have seldom observed a female

in prison so fearfully exposed to danger. As the faults of this prison may be traced chiefly to the inadequacy of the building, it gives me much pleasure to state, that the magistrates of Newcastle—who are justly celebrated for the excellence of their police establishment—have it seriously in contemplation to erect a new jail.

MORPETH,—COUNTY JAIL FOR NORTHUMBERLAND.[1]

This prison, although old and defective, is by no means liable to so much exception as some which I have already described. On the right as you enter, is the felons' prison; on the left, the apartments for debtors; in the centre, the governor's house; and behind the whole building, a walled garden. This garden is at all times open to the debtors, who are also well accommodated within-doors. On the felons' side there were at this time only three men. We found them in a small day-room, in the floor of which is fixed an iron ring, as in the day-rooms at Newcastle. The prisoners, however, were without irons. They are allowed good bedding, and clothing occasionally, but only fourpence a day for their maintenance. When bread is dear, this sum must procure them a most miserable supply of food. The chaplain attends these felons once in the week. The female prisoners, when there are any, are employed in knitting, sewing, and spinning. The felons are allowed to walk in the garden occasionally. We found the whole prison in a state of neatness and order. Conspicuously good effects are produced in this jail by the benevolence of the jailer and his wife, John and Elizabeth Blake. The prisoners are ruled by the law of kindness; chains are therefore unnecessary for them. They appeared to us to be subdued and softened by the gentleness with which they were treated.

BERWICK BOROUGH JAIL.[2]

Nothing can be much more defective than this small prison. It consists of two large boarded rooms in the upper story of the Court-house; one for debtors, the other for criminals—a simple wooden door between them.

Connected with these day-rooms is a small range of sleeping-cells. The whole prison is so exceedingly insecure, that the cri-

[1] Visited eighth month 25th. [2] Visited eighth month 26th.

minals cannot be permitted to make use of their day-room except in the presence of the jailer. Thus they are almost constantly confined in their comfortless sleeping-cells. Nor is this provision deemed sufficient: when their cases are bad, *they are chained to the wall.* The injustice and barbarity of such a mode of confinement are too conspicuous to require a comment. Neither criminals nor debtors have any airing-ground. The pr[illegible] allowance is sixpence per day. No clothing is allowed, [illegible] there any provision for medical attendance or religious instruction. The last of these defects is probably remedied ere now, by the voluntary kindness of a clergyman, the vicar of the town, who informed us of his resolution to visit the prisoners weekly, without any remuneration:—such an example is well worthy of being followed.

DUNBAR JAIL.[1]

You ascend up a narrow dirty staircase into two small rooms, of which this little borough jail consists. These rooms, one of which is for debtors, the other for criminals of all descriptions, are kept in a state of extreme filth, and are severally furnished with a little straw, and a tub for every dirty purpose. There is no court nor airing-ground in the prison, nor any other accommodation whatever. Happily there was no one confined here.

HADDINGTON COUNTY JAIL.[2]

Very different was the case with this jail: for in consequence chiefly of a riot, which had taken place in the neighbourhood, we found it crowded with prisoners; and seldom indeed have we seen any poor creatures so wretchedly circumstanced. That part of the prison which is allotted to criminals and vagrants consists of four cells on the ground floor, measuring respectively thirteen feet by eight, and one on the second story, measuring eleven feet by seven. It is difficult to conceive any thing more entirely miserable than these cells. Very dark—excessively dirty—clay floors—no fire-places—straw in one corner for a bed, with perhaps a single rug—a tub in each of them, the receptacle of all filth. In one of the cells we observed three men who had been engaged in the riot; in another, a woman (the wife of one of them) and two boys; in a third, two more men and a woman (the wife of one of them).

[1] Visited eighth month 26th. [2] Visited the same day.

We understood that one of these women was a prisoner, the other a visitor; but have since been informed by the jailer that they were both visitors.

None of the prisoners were ironed, except one man who had attempted to break prison. This unfortunate person was fastened to a long iron bar. His legs, being passed through rings attached to the bar, were kept about two feet asunder, which distance might be increased to *three feet and a half* at the pleasure of the jailer. This cruel and shameful mode of confinement, which prevented the man from undressing, or from resting with any comfort to himself during the night, and which, by the constant separation of the legs, amounted to positive torture, had been continued for several days. We earnestly intreated for his deliverance, but apparently without effect.

Another scene of still greater barbarity was in reserve for us. In the fourth cell—a cell as miserable as the rest—was a young man in a state of lunacy. No one knew who he was or whence he came; but having had the misfortune to frequent the premises of some gentleman in the neighbourhood, and to injure his garden seats, and being considered mischievous, he was consigned to this abominable dungeon, where he had been, at the date of our visit, in unvaried solitary confinement, for eighteen months. W. Horne, Esq. the sheriff of the county, has kindly engaged to ameliorate, as far as lies in his power, the situation of this most afflicted individual. It is most obvious that his present place of confinement is in every respect improper.[1]

No clothing is allowed in this prison; no medical man attends it; no chaplain visits it. Its miserable inmates never leave their cells, for there is no change of rooms and no airing-ground; nor can they be under any one's constant and immediate care, for the jailer lives away from the prison. They can, however, keep up an almost unchecked communication with the people of the town, as the small grated windows of their cells all of them look upon the

[1] My readers will peruse with real pleasure the following extract of a letter which I have received from a gentleman who visited Haddington jail since this account was written. "The poor lunatic, whose case so much excited your commiseration, is still in the jail. Through the exertions, however, of W. Horne, Esq. the sheriff, considerable attention has been paid to him since your visit. He is now lodged in a better apartment up stairs, is well fed and clothed, and appears clean and comfortable. He is also regularly attended by a medical man, and it is in contemplation to remove him to a proper asylum." My correspondent adds, that the cells which we found so filthy are now in a state of cleanliness.

streets. We observed a lad on the outside of the prison, seated on a ledge of the wall, in close conversation with the three men who had been committed for rioting. The prisoners were at this time allowed nothing but water and four pennyworth of bread daily. I have since learned from the jailer that this was a short allowance by way of punishment for refractory conduct, and that they usually have eightpence a day. Those who were in the jail when we visited it appeared in a remarkably careless and insensible state of mind. This we could not but attribute partly to the hardships and neglect which they here experience.

I have yet to describe the most objectionable point of this terrible prison, namely, its accommodations for those debtors *who are not burgesses*. There were at this time three men of this description in the prison: shortly before there had been five: and at one time, seven. These unhappy persons, innocent as they are of any punishable offence,—be they many or be they few, be they healthy or be they sick,—are confined day and night, without any change or intermission whatsoever, in *a closet containing one small bed, and measuring not quite nine feet square.*

As we passed through Haddingtonshire, we were struck with the richness and fertility of the country, and with the uncommon abundance of the crops which it produces. It is considered one of the wealthiest counties in Scotland. Surely, then, we may indulge the pleasing expectation, that the inhabitants of this county, and especially its very liberal magistrates, will no longer suffer it to continue without such a prison as will tend to the reformation of offenders; such a one, at any rate, as will not, like their present jail, violate the common principles of justice and humanity.

INGHORN, FIFESHIRE.[1]

In this little borough there is a small prison, now disused, and in a state of great dilapidation. We were informed by the people,—who wondering at our strange curiosity crowded after us into the building,—that in one of the wretched rooms up-stairs, had been confined for six years, in miserable solitude, a young laird, who was in a state of lunacy; and who at length terminated his sufferings by swallowing melted lead. The death of this afflicted young man is said to have happened about twenty years ago. I introduce this story (for the truth of which, though I had no reason to doubt it, I cannot vouch), for the purpose of once more drawing the attention of the public to the cruel practice, still prevalent in Scotland, of confining deranged persons in prisons. There, in

[1] Visited eighth month 27th.

their solitary cells, they prolong a miserable existence; every circumstance surrounding them being calculated not to comfort and to cure, but on the contrary to enhance their distress, and to prevent their recovery. This lamentable evil cannot be otherwise remedied, than by the erection of proper places for the reception of lunatics. Of these asylums there are at present but very few in Scotland.

KIRKALDY JAIL FOR A DISTRICT OF FIFESHIRE.[1]

In this little jail there is a good room for debtors, and a small apartment up-stairs for criminals. In the latter we found a woman and her son *confined together*. These prisoners were allowed sixpence per day, but no clothing, nor any bedding but straw. There is in this prison no privy and no airing-ground. There is also no provision for religious worship or instruction.

CUPAR IN FIFE.—COUNTY JAIL.[2]

This jail is built on the outskirts of the town, and is quite new. The debtors have comfortable apartments, and a yard in which they walk. The criminals have no airing-ground;—a defect which appears to admit of no apology in a prison so lately erected. The cells for criminals, which are apparently intended for solitary confinement, receive both light and air through a grating in the door. The prison allowance is sixpence per day. Good bedding is also allowed; that is, a straw mattress, two blankets, and a rug. No chains are used here. No chaplain visits the prison. The only offender against the law whom we observed in this prison, was a poor girl who had stolen a few potatoes out of a field. Where are we to find a parallel to this paucity of criminals in any county jail of England or Ireland?

DUNDEE JAIL.[3]

This prison, small in itself, forms a part of a large building, the Town Hall. It contains sufficiently commodious apartments for debtors, and two small rooms for criminals; one for men, the other for women. There is besides a small subterraneous dungeon

[1] Visited eighth month 27th. [2] Visited the same day.

[3] Visited eighth month 28th, in company with one of the magistrates of the borough.

perfectly dark, in which refractory persons are sometimes placed for a few hours, and which we hope will now be entirely disused.

In the room for male criminals we were sorry to observe an iron bar fitted up with rings and fixed in the floor.

There is no airing-ground in this prison. No chaplain visits it. The jailer lives away from it.

Although this jail is not only for the town of Dundee, (which is said to contain thirty-five thousand inhabitants,) but also for a considerable district of the county of Forfar, we found not a single criminal in it; and the magistrate who was so obliging as to accompany us, stated that there had not been a criminal in it *for seven months.*

The small extent of crime which this highly interesting fact evinces, may be attributed mainly to the universal religious education of the lower orders, and to the general dissemination amongst them of the Holy Scriptures.

What an encouragement may be derived from such an example, for those labors of Christian charity, which are now directed throughout the British empire, and in so many other countries also, to these unspeakably important objects!

ABERBROTHICK OR ARBROATH JAIL.[1]

The jail at Arbroath is also for a district of Forfarshire. It was built in the year 1780. There are in it several not uncomfortable rooms for debtors; but again, no airing-ground. We saw three debtors here, all of them in small rooms by themselves, which they preferred to being together. The only place for the confinement of criminals is a cell measuring nine feet by nine. Even this space seems scarcely required, for there was no criminal in the prison.

MONTROSE JAIL.[2]

It consists of two miserable rooms up-stairs, one for debtors, the other for criminals; and a black hole on the ground floor. Sixpence per day is the jail allowance, without fire, bedding, or clothing. No yard to walk in; no chaplain. There was but one individual in this prison, an unhappy deserter, whose comfortless condition of total solitude could not but excite our compassion: he appeared greatly distressed.

[1] Visited eighth month 28th.

[2] Visited eighth month 28th, in company with the Provost Barclay.

STONEHAVEN, THE COUNTY JAIL FOR KINCARDINESHIRE.[1]

THE ONLY PRISON IN THE COUNTY.

This is a small building, containing a tolerably comfortable apartment for debtors, and a hall in which they may take exercise. On one side of this hall are two miserable, dark, dirty cells, without fire-places, for the reception of criminals. One of these cells had at this time an inhabitant—a man who had purloined ten shillings. We were not surprised to observe the poor creature looking ill and ghastly.

ABERDEEN COUNTY JAIL.[2]

The defects of this jail have often been observed; and Neild went so far as to offer the magistrates pecuniary assistance, to encourage the building of a new prison. Baillie Garden, to whom we were introduced, and who received us with much civility, informed us that a sum of money had already been raised for this purpose, and that the new building would probably be commenced at an early period. In the mean time the present jail is a scene of unusual misery.

It is a very ancient square tower, forming a mass of rude masonry, the walls of great thickness, and the interior so contrived as to exclude all convenience and comfort from its inmates. You ascend up a narrow winding stone staircase, with which most of the cells, where the prisoners are in custody, are immediately connected. In these cells they pass their whole time, *there being no airing-ground in the prison, and no separate accommodations for sleeping.*

We were first introduced to a small room, about fifteen feet long by eight in breadth, set apart for female criminals. There were four women in it, *a man, (the husband of one of them,)* and a child. The room was most offensively close and very dirty: there were two beds in it; in one lay the man, in the other an elderly woman, both ill; the child also looked very sickly. We thought we perceived symptoms in these invalids of jail fever; and indeed it was scarcely possible that so many persons should continue night and day together in so very close an apartment, without the production of fever and infection. The impropriety of the man's being thus confined in company with the women needs no remark.

There are three more cells for criminals. In the first were two

[1] Visited eighth month 29th.

[2] Visited eighth month 29th, in company with Alexander Cruikshank of Edinburgh.

men who had been sentenced to transportation; in the second, three others. Both these cells are small, close, cold, and very dirty; fitted up with the usual accommodation of tubs, but without fire-places. I am informed, however, that a stove is placed in each of them during the winter months. Some of the men appeared sickly, and most of them hardened and indifferent to their situation: one of them (a desperate offender) was fastened by the legs to an iron bar, like the poor wretch whom we saw at Haddington. The third cell is, we hope, but seldom used; it is a black hole perfectly dark, and without any ventilation but through a small opening in the wall. In this jail the tried prisoners are not separated from the untried. Their food appeared to us insufficient, for they are allowed only one pound and a half of bread with a pennyworth of milk per day; also a little clothing on particular occasions. Their bedding is a straw mattress, and two blankets on each bed. A chaplain attends the prison three times in the week.

The accommodations for debtors are miserably insufficient. They consist of two very small rooms on the same floor—a landing-place connecting them,—and a little sleeping-room immediately above them. The debtors who are confined in this contracted place are of course constantly varying in number; but as far as I can recollect, there were twelve of them here when we visited them. They appeared *crowded together;* and crowded together they continue, day and night, without change.

To crown all its other defects, this prison is so insecure, that four of the criminals, already described, have since made their escape from it.

Can any one doubt its being necessary that a new jail should be built at Aberdeen?

We proceeded from the jail to

THE BRIDEWELL.

The Bridewell for the town and county of Aberdeen is a house of labor, to which are sent criminals of various descriptions, who have been sentenced to a term of imprisonment.

It is quite new and of considerable extent, built, like other houses at Aberdeen, of excellent granite, and well situated on the outskirts of the town. The several stories of this building consist respectively of a long gallery, with small but commodious and airy cells on each side. Every gallery is divided in the middle by the central stone staircase, the men prisoners being confined on one side of the house, the women on the other. The cells on one side of the galleries are for sleeping, those on the other for working.

Every prisoner occupies a sleeping and a working cell, the Bridewell being intended only for solitary confinement. The working-cells are comfortably warmed by steam. There is a Bible placed in every sleeping-cell—a provision which ought to be adopted in every prison. The bedding is excellent—a straw mattress, two sheets, two blankets, a rug and a pillow, for each person. Of these articles, the sheets and the pillow might perhaps be spared with advantage. We observed in this Bridewell a good chapel, in which they assemble for divine worship once every week. In the highest story there is also a commodious infirmary, used chiefly as a nursery for the children of the female prisoners. The prisoners are properly clothed and well fed. They have porridge for breakfast, bread and milk for supper, and soup containing oatmeal and garden-stuff for dinner, except on one day in the week, when they are allowed broth with beef in it. In case of unruly conduct in the prison, they are punished by being placed for a certain number of hours in a perfectly dark cell. The men are employed in weaving; the women in weaving, spinning, and picking oakum. They work under the superintendance of one inspector, whose business it is to watch over all, and to instruct in the art of weaving, those who are ignorant of it. The earnings of the prisoners are first applied to their own maintenance in the prison, and are the means of reducing the annual expense of the establishment to a comparatively trifling sum. If any prisoner earns more than his maintenance, he has credit for the surplus in account: half of it is given to him when he leaves the prison, and half on the receipt of a certificate of good conduct six months afterwards.

The prisoners are allowed to take exercise in a walled garden at certain times of the day.

This Bridewell was built for the accommodation of sixty prisoners: there were forty in it at this time. The governor, James Watson, a very intelligent man, has known many instances of reformation produced amongst his prisoners. He has known them to acquire in the Bridewell not only the art of weaving, but the habits of industry; and this has led to a respectable settlement in life after they have left the prison. Scarcely any thing indeed seems wanted to render this institution a school of reform, but more religious instruction—more of that kind care, which a few benevolent and religious persons, if permitted to visit them daily, might easily extend over these prisoners individually.

The Jail being quite full, several persons who had not been tried were confined, at this time, in one of the galleries of the Bridewell. It grieved us to observe how very different was their situation from that of the other prisoners; for their allowance was only fourpence per day, and they were totally without employment.

It appears not a little surprising that the magistrates of this town and county, whose attention has been so laudably and so successfully directed to the erection and management of their Bridewell, should so long have continued satisfied with their Jail. It is a great error to suppose that those who are sentenced to a limited period of confinement are the only class of prisoners with whom it is worth while to try the experiment of employment. The system is of equal importance to those, who have yet to take their trial, and to those, who after trial are kept in prison until the opportunity arrives for their being sent to the hulks or transported. Prisoners under these or any other circumstances will for the most part be willing to labor, if permitted to receive a fair proportion of their own earnings. It is earnestly to be desired that the new jail about to be erected at Aberdeen may be so built as to afford every facility for this essential object.

Another circumstance with which the visitor of prisons at Aberdeen is much impressed, is the large number of criminals as compared with that in the prisons of the neighbouring counties.

In all the jails of Forfarshire we found not one offender against the laws, except a solitary deserter; whereas in the prisons of Aberdeen there were upwards of sixty criminals. It appeared on inquiry, that a large proportion of these offenders (I allude principally to those in the Bridewell) belonged to the city of Aberdeen; and I believe the fact may be accounted for, chiefly by some large cotton factories, in which upwards of five thousand persons of both sexes work together in large companies. The manufacturing poor at Dundee work separately, each in his own cottage; and at Dundee there are no criminals. It is indeed true that the prisoners in the Aberdeen Bridewell are committed mostly for petty offences; but how easy is the progress from such offences to crimes of a serious nature!

BRECHIN JAIL.[x]

In this little prison, which is for a district of the county of Forfar, we found no prisoner of any description. It contains a tolerably decent apartment for debtors, and two wretched, dirty cells for criminals. One of these cells is very damp, and almost entirely dark: the other communicates through an open grating with the street; thus affording an easy opportunity of conversation between the prisoners, when there are any, and the people of the town. There is no court or yard here. The prison allowance is sixpence per day.

[x] Visited ninth month 3d.

FORFAR COUNTY JAIL.[1]

This jail has the usual defects of Scotch prisons—there being no airing-ground in it either for debtors or criminals, and no cells appropriated to sleeping. The apartment for debtors measures about twenty-one feet by twelve. There were at this time five persons confined in this room, without any possibility of change or relief. The cells for criminals are not so miserable as many that we have seen in Scotland. There are two in the upper story for male, and two on the ground floor for female prisoners. The latter, like the cell at Brechin, communicate with the street; and we were sorry to observe in the former, chains affixed to the bedsteads. The bedding is comfortable; the jail allowance sixpence per day. There were at this time no criminals in the prison. We were informed by the jailer, who had been very long in office, that no prisoner has been executed from the county of Forfar for twenty years.

PERTH COUNTY JAIL.[2]

This is a new prison, of considerable extent and built of stone; its cost said to be only ten thousand pounds.—On your entry you are introduced to a small yard which leads to the governor's house. On one side of this yard is a guard-house and examination-room; on the other, five lock-up cells for the confinement of offenders before committal. Persons may be consigned to these cells during the night, without any disturbance to the rest of the prison. You go through the governor's house into the main prison. On the left are the buildings for men and women criminals; on the right, those for private and king's debtors; and connected with the buildings are four court-yards, one for each of these classes of prisoners. From the governor's house there is inspection over the yards, but not into the day-rooms.

The accommodations of this new prison are lamentably inadequate. In the building allotted to male criminals there are only ten sleeping-cells, and one day-room. The sleeping-cells are airy, but the day-room is very small, measuring only fourteen feet eight inches by eleven feet three. There can of course be no classification. The tried and the untried prisoner, the misdemeanant and the felon, the juvenile offender and the veteran criminal, are consigned, in this contracted day-room, to the closest association. At this time there were eleven men in the room. Amongst them we observed two young persons committed for some very trifling

[1] Visited ninth month 3d. [2] Visited ninth month 4th.

offence against the revenue laws, and one of maturer years charged with a most atrocious murder. When it is considered that these persons were passing their listless hours in total idleness, it must be confessed that a more effectual contrivance could scarcely be invented for multiplying the number, and advancing the heinousness of crimes.

On the women's side are four small rooms, measuring severally about twelve feet square,—a fire-place, and a good bed for two persons in each of them. Here also there was a total absence of classification; there being seven women together, some of them petty offenders, and one charged with being concerned in the murder to which I have already alluded. With these women there were three children, one of whom was ill with the small pox: the other children were secure from the complaint; but that might probably not be the case with all the women. As there is a commodious infirmary in the prison, the child ought clearly to have been placed in it.

The prisoners in this jail are allowed two pounds of good bread daily; also a little clothing occasionally, but no firing. They are obliged to wash themselves every morning. None of them are ironed.

No complaint could be made respecting the apartments for debtors, except that they were very dirty. Some of the debtors were working at their respective trades. There is an airy court-yard connected with these apartments; but, strange to say, *no use is allowed to be made of it.* The debtors are confined entirely to the interior of the prison. They can have no liberty to walk in their yard, until special leave be granted by the Court of Sessions; and this leave has hitherto been withheld, because the yard is not so evidently secure as to prevent all possibility of escape. It is well known that the law of Scotland is peculiarly strict with regard to the confinement of debtors; but in this case, a little further expense—the addition of a few spikes, for instance—would at once do away with the necessity of imposing so cruel a restriction. It is singular that there should be in this prison, an excellent infirmary, in which the sick are not placed, and an excellent airing-ground, in which no one may take exercise.

We observed several king's debtors, who have no jail allowance whatever. This must often be the occasion of extreme distress, and not very improbably of absolute starvation.

There is in this jail, which often contains a large number of prisoners, no place of worship, and no provision whatever for religious care over its inmates. How disgraceful is such an omission in a Christian country! and how extraordinary in Scotland, where

the communication of religious knowledge is, for the most part, an object of so great attention!

The OLD JAIL at Perth, which we inspected on the same day, is built over a gateway in the middle of the town. Although this dark and wretched building had been for some time disused as a prison, it was not at the period of our visit without its unhappy inhabitants. We found in it two lunatics in a most melancholy condition; both of them in solitary confinement:—their apartments were dirty and gloomy; and a small dark closet connected with each of the rooms was fitted up with a bed of straw. In these closets, which are far more like the dens of wild animals than the habitations of mankind, the poor men were lying with very little clothing upon them. They appeared in a state of fatuity, the almost inevitable consequence of the treatment to which they were exposed. No one resided in the house to superintend these afflicted persons, some man living in the town having been appointed to feed them at certain hours of the day. They were in fact treated exactly as if they had been beasts. *A few days after our visit, one of these poor creatures was found dead in his bed.* I suppose it to be in consequence of this event, that the other, though not recovered from his malady, again walks the streets of Perth without control. It is much to be regretted that no medium could be found between so cruel an incarceration, and total want of care.

KINROSS COUNTY JAIL.[1]

This small prison, the only one in the county, is very similar to several others which I have already described. There is in the upper story a small apartment for debtors, in which we observed a man, to whom, in direct contrariety to the practice usual in Scotland, the doors of the prison were left open. He continues in the jail by preference. For criminals there are two miserable cells on the ground-floor. One of them admits of the usual communication with the street: the other is a dungeon without either light or air, except from a grated hole in the door. The jail allowance is only fourpence per day. There is no airing-ground. *Not a single criminal in the prison.*

EDINBURGH JAIL.[2]

The plan of this new and extensive building is very similar to

[1] Visited ninth month 4th.

[2] Visited ninth month 5th, in company with the Lord Provost Mackenzie and other gentlemen.

that of the prison in Horsemonger Lane, London. The ground-floor is divided into seven compartments, each containing a good day-room and a court-yard, the court-yards meeting in a point, at which is placed an octagonal watch-house. Above the watch-house, on a steep hill impending over the prison, is the governor's house, from which there is a complete inspection over the several yards, but not into the day-rooms. Of the seven compartments to which I have alluded, one is attached to the infirmary, one is for debtors, one for women criminals, one for untried men, and three for male convicts. In the upper stories of the building are the night cells ranged on both sides of long galleries. These cells are airy, and the bedding sufficiently plentiful. Some of them are allotted to prisoners under sentence of death, and are distinguished from the others by a long iron bar fixed in the wall, to which these unhappy persons are fastened by chains. The jailer considers this provision necessary to his own safety: the experience, however, of almost all other prisons is sufficient to prove him mistaken; and so cruel a mode of confinement appears to be particularly objectionable in Scotland, because in that country six weeks elapse, in capital cases, between condemnation and execution. On being introduced to the kitchen, which is much too small for its purpose, we tasted the food prepared for the prisoners, and found it excellent. They have porridge and half a pint of beer in the morning, porridge again in the evening, and for dinner broth composed of barley, other vegetables, and ox-head. Besides their food, they have threepence per day in money, and are allowed firing; also shirts, stockings and shoes, but no other articles of clothing, except in cases of emergency. The prisoners in this jail are not ironed, except in case of refractory conduct, and when under sentence of death. The infirmary is commodious, and is regularly attended by the surgeon: there is also a small room fitted up for the reception of infectious cases.

A Bible is placed in every sleeping-cell; the clergyman attends twice a week to officiate in the chapel, and care is taken that those who are ignorant of reading should have the opportunity of being instructed. Much pains are taken in this prison to ensure cleanliness. The prisoners wash themselves every morning, and have a change of shirt weekly; their blankets are cleaned monthly. The whole prison is white-washed once every year: it appeared to us in all its parts exceedingly clean and neat.

The divisions of the building on the ground-floor afford very considerable opportunity for classification, which however does not appear to be carried to so great an extent as is desirable.

The juvenile offenders, of whom we were much concerned to observe a large number, were not separated from those of maturer

years and more confirmed criminality. Neither was there any classification attempted with the women, who were all together day and night; for in consequence of their night cells being so placed as to afford the opportunity of conversation with the men, they were under the necessity of sleeping in their day-room. This was an evil of no small magnitude, and, I am happy to understand, is now corrected.

Much as there is in this large prison of order and good management, it is quite deficient in one great point of vital importance. There are no work-rooms in it, and no provision for the employment of the prisoners. The consequence is, that they pass their tedious days in total idleness; and as they are necessarily kept in companies, there is no criminal in the jail, who has not the fullest opportunity of corrupting and being corrupted. The Lord Provost (who was so obliging as to show us the prison) and other gentlemen who accompanied us, appeared fully sensible of the magnitude of this evil; and it is highly probable that some plans will ere long be devised, by which in part at least it may be remedied.

From the Jail we passed on to the BRIDEWELL, the two buildings being situated close together.—The latter we saw under great disadvantage; for, in consequence of its being under repair, the prisoners were shut up in their sleeping-cells, instead of being at work as is usually the case. The plan of this prison is very celebrated, on account of its affording an opportunity of inspection into the several apartments, in which the prisoners work and pass the day. This important object has been effected by the prison's being built in the form of a semicircle, in the centre of which is a watch tower. The prison consists of four stories, besides the attic story, which is occupied by the infirmary. In each of these four stories there are thirteen working cells, open in front, and looking inwards towards the tower. In that tower there is, on the second story, a semicircular apartment fitted up with several long and very narrow windows, from which the inspector, without being discerned himself, has a complete view of what is passing in all the working-cells. This arrangement of the building is very convenient for another purpose also; for on the outside of the watch tower, in the court which divides it from the working-cells, and facing the front cells, is the pulpit, from which the minister may be distinctly seen and heard by the prisoners whilst they continue in their respective cells; and thus the whole forms an excellent and commodious chapel.

The working-cells are surrounded on the other side by a vaulted passage running along the whole of the semicircular range, in the several stories of the building. This passage separates them from the sleeping-cells, the windows of which are in the exterior wall of the prison. The sleeping-cells are airy, and of a good size for one

person; the working-cells are also well adapted for their purpose, and are warmed by flues. This is a house of labor: most of the prisoners are employed in weaving linen, cotton, and woollen stuffs. When those who have been bred to handicraft trades are in custody, they are employed, as occasion requires, for the use of the prison, in carpenter's or painter's work, shoe-making, white-washing, &c. Some of the more trusty females are occupied in cooking and washing. The garden also is cultivated by the prisoners; and all the bedding and clothing used in the prison are manufactured within its walls.

The produce of a prisoner's labor is applied to his own maintenance. If there be any surplus, as is commonly the case, it is either for the support of his family if he have one, or else it is given to him when his term of confinement is completed. He receives it in three parts; the first on his leaving the prison; the second and third, on a certificate of good conduct being received, at the expiration of six and twelve months respectively. The prisoners in this Bridewell are well clothed and fed: their bedding also is excellent, probably somewhat too comfortable—a straw mattress, a sheet, a pillow, and two double blankets. Care is taken to ensure the cleanliness of their persons, for they are all bathed once every week.

This Bridewell is regularly visited both by a surgeon and a chaplain, the latter of whom collects the prisoners for the purpose of divine worship once on the first day of the week and once on another day. On the former of these days they are instructed and catechised, and wholesome regulations have been adopted for the maintenance of order amongst them during this weekly period of leisure. A school-master gives attendance for two hours daily, in order to instruct such of the prisoners as are unable to read and write.

Admirable as are many of the regulations of this Bridewell, and vastly superior as it is to those more miserable prisons where criminals are herded together in total idleness, there are nevertheless connected with it some unfavorable circumstances, which have hitherto prevented its being, in so great a degree as might be desired, a house of reformation. The first is, that the semicircular arrangement of the working cells, at the same time that it is so well calculated for the purpose of inspection, enables the prisoners to see out of one cell into another, and thus gives the opportunity, notwithstanding much watchfulness on the part of the keepers, of improper and dangerous conversation. The second is, that the doors and windows of every two night-cells are so near to one another that the prisoners can converse freely together after they are locked up for the night. This of course they do, and without the possi-

bility of detection or prevention. The third and principal source of evil is the inadequacy of the prison in point of size. There are in it only 52 working-rooms and 144 sleeping-cells; it being intended for not more than 144 prisoners; but the persons committed to the Bridewell are at all times so very much more numerous, that both sleeping and working-cells are very improperly crowded. This gives rise, of course, to much evil communication, and greatly impedes the system of labor, on the regularity of which the use of the Bridewell mainly depends.

To meet this exigency, additional buildings are absolutely necessary. Were the present Bridewell appropriated to females, and another house of correction built for the men, the existing want of accommodation would be remedied, and that complete separation between the sexes, which is of such essential consequence, would in the best possible manner be effected.

Much benefit might also arise both in the Bridewell and the Jail at Edinburgh, from their being regularly visited by a committee of benevolent and independent persons, who might provide instruction for the ignorant and employment for the idle, and might exercise over the prisoners individually that kind and Christian care, which would be the most likely means of introducing them, not only into serious reflection, but into the habits of virtue and respectability.

I am not willing to quit the subject of these two prisons without bearing my testimony, in conclusion, to the assiduity and humanity of the two governors.

There are in Edinburgh two more prisons, neither of which requires very particular notice. The first is a LOCK-UP-HOUSE lately built, and allotted to four classes of prisoners—vagrants—those who have been taken up, but are not yet committed—persons confined for want of caution or bail—and criminals who have received the sentence of death and are awaiting its execution.

This prison appeared to us well adapted to the purposes for which it is intended. It is very secure, and affords sufficient opportunity of classification; both the day-rooms and sleeping-cells are unexceptionable, and the bedding good. The jail allowance is sixpence per day. The room intended for persons under sentence of death is decent and pleasant; but we were sorry again to notice the iron bar, to which criminals under these afflicting circumstances are chained. Why should the sufferings of these wretched beings be enhanced by a method of confinement not only barbarous, but apparently wholly useless in so secure a prison?

The OLD JAIL in Canongate is now used only as a debtor's prison. We found it in a state of much cleanliness and order, the apartments both for the day and the night being by no means

uncomfortable; but the building is evidently much too contracted; and the prisoners, who were quite crowded together, are perpetually confined to the house; for there is no yard or airing-ground. This jail is visited weekly by a clergyman.

The magistrates of Edinburgh are now erecting on the east side of the Bridewell a new debtors' prison, in which the necessary accommodations will be provided to enable the prisoners to work at various handicraft trades. This building when completed will render the prison in Canongate unnecessary, and will facilitate the further classification of criminals in the new jail.

GLASGOW JAIL.[1]

This prison, which, though built but a few years ago, is exceedingly defective, and in its present state may truly be said to teem with mischief, consists of two courts, between which is the jailer's house, and round them the buildings allotted to the various classes of prisoners. In these courts the prisoners are not permitted to walk, nor is there any other airing-ground in the prison. Those parts of it, in which the criminals are confined, consist of eight flats or stories, very similar to one another, four in each court. In every one of these flats there is a day-room measuring nineteen feet and a half by twelve, and a short gallery open to the prisoners, which on one side looks, as does the day-room, into one or other of the court-yards; both divisions of the prison having the same construction. On the other side of each gallery are ranged seven sleeping-cells, measuring respectively six feet three inches by ten feet four. These sleeping-cells are very dark, and extremely ill ventilated; for they receive neither light nor air except from the gallery, and that only through a hole twelve inches in diameter cut in the stone above the door. When the doors of some of them, which contained prisoners locked up during the day by way of punishment, were thrown open to us, the sickly stench was so excessively offensive that entrance into the cells was nearly impossible. The cells in some of the flats were however more airy than those in others.

The day-rooms were on the whole cleanly, and are severally fitted up with a pipe of good water. There is also attached to each of them a water-closet—a provision, which from its rarity as well as importance, reflects no small credit on the architect. In most of the flats we observed a great many prisoners, amongst whom no other classification is attempted than the separation of the tried from the untried. These prisoners are allowed sixpence per day,

[1] Visited ninth month 9th, in company with Anthony Wigham of that city.

but no firing and no clothing. Many of them were miserably clad; they appeared in a remarkable degree careless and hardened, and far otherwise than healthy. They receive no instruction whatever, and live the miserable life of total idleness. As the windows of the several parts of the prison in each division look upon the same court-yard, the prisoners of all descriptions,—debtors and felons, males and females,—can see and hear one another, and maintain perpetual parley. I think I never witnessed a more melancholy spectacle. Idleness, clamor, and dissipation prevailed on every side of us; and when we first entered the prison, the mixed din of fiddling, laughing, and riotous vociferation, was truly appalling.

Only one flat is allotted to female criminals of every description. We found in it sixteen women, who appeared much crowded for want of more space; yet within the same limits are not unusually confined as many as thirty females. When this is the case, they sleep four together, and, from the excessive want of ventilation in the sleeping-cells, must experience sufferings very nearly allied to suffocation.

To the debtors' part of the prison the most material objection is the want of sufficient separation between the men and the women. During the whole day they have the freest opportunities of intercourse together. There is no bath in this prison. An infirmary there is, but it is so insecure that it cannot be used. Exactly similar is the case with the chapel. The consequence of this last defect is lamentable in the highest degree; for although there are seldom less than two hundred prisoners in the jail,—two hundred persons who of all others probably in the city stand most in need of spiritual help,—no public worship ever takes place amongst them; nor is any instruction known to these unhappy beings, but that, by which they contaminate and corrupt one another.

The result of the whole is, that this prison is become a fruitful source of very extensive evil. Vast numbers of offenders pass through it in the course of the year—the number of criminals committed during the last three years amounting to three thousand and sixty-eight; and the jailer assured us that they uniformly leave the prison worse than when they entered it; settled in habits of idleness, devoted to their own corruptions, more than ready for the perpetration of new crimes. *He reckons, that of those who have been once committed, two-thirds come back again.*

Crimes have of late been rapidly increasing in Glasgow. The fact may be accounted for, partly by the vast increase of manufacturing establishments, partly by the large accession of uneducated Irish; but, perhaps, *chiefly* by the powerful machine of corruption, which I have now described.

We were received with great kindness in this city by several of

the magistrates; men who have enlightened and liberal views, and who are truly zealous for every useful improvement. As their jail is a new one, it is evident that they are placed under very difficult circumstances; but although the faults in the building are many of them irreparable, I am confident that much of what is now objectionable in the arrangements of the prison, will be obviated by the care and ingenuity which these gentlemen are evidently disposed to direct to this most important object.

GLASGOW BRIDEWELL.[1]

This extensive house of correction is built on nearly the same plan as the Bridewell at Aberdeen; for it consists of several flats or stories, each flat containing a long gallery with cells ranged on either side; except the highest flat, which is occupied by two large rooms, the one an infirmary, the other a chapel. There are also some thread mills attached to this Bridewell, in which a large number of prisoners are, during the day, constantly at work. Those who are not in the mills are also fully employed—the men chiefly in weaving, the women in preparing thread for the mills, ornamenting muslins, &c. All are well clothed, well fed, and provided with good bedding. They are visited at stated times by a clergyman, a medical man, and a school-master. Much attention is given to cleanliness: the whole house was, when we visited it, in a state of neatness; and the prisoners are obliged to wash frequently, and are bathed when they enter the prison. A Bible is placed in every sleeping-cell.

The profit of the prisoners' labor is applied to their own maintenance in the Bridewell; if there be a surplus, it is given to them when they are again set at liberty.

Of these regulations, which are generally excellent, the effect may be traced in the alteration for the better, which sometimes takes place in the character and habits of these prisoners, and which becomes conspicuous after they have quitted the prison and settled in common life. It must, however, be remarked, that there is much in this Bridewell to check all tendency to reform.

The prisoners are able to communicate with one another out of their respective cells by day and by night. During their hours of work it depends upon their own inclination whether they are industrious or otherwise, for constant inspection is impossible; and as their windows look over a small plain on to the public road or street, every little noise and every fresh object on the outside diverts their

[1] Visited ninth month 10th, in company with Baillie Smith, James Ewing (late Dean of Guild), and other gentlemen.

attention from their regular duties. As we approached the prison we observed a great majority of these windows crowned with spectators.[1] The great evil however here, as in the Bridewell at Edinburgh, is the excessive number of the prisoners as compared with the accommodations of the prison.

The principle of the Glasgow Bridewell is solitary confinement —one cell for one prisoner; but now there are two persons in every cell. Thus the course of that evil communication which "corrupts good manners" is perfectly easy and uninterrupted, and its consequences inevitable. There were at this time two hundred and twenty prisoners in the Bridewell; namely, sixty men, and one hundred and sixty women. As the numbers are so great, it appears highly desirable that another house of correction should be erected; and then, that one should be allotted to men, the other entirely to women. William Brebner, the governor, who (like the governor of the Jail) is much devoted to his duties, informed us that he experienced no difficulty whatever in procuring for his prisoners a sufficiency of work. One effect of their being thus constantly employed is that the institution throws but a very trifling burthen upon the public. The whole expense of it during the first half-year of 1818, including all salaries, was 44*l.* 6*s.* 10*d.* It will be remembered that two hundred prisoners were maintained in it.

It gave us great satisfaction that an opportunity was afforded us, through the kindness of the magistrates, of forming in this city a Committee of Ladies, who have benevolently undertaken to visit and superintend the females both in the Jail and in the Bridewell. The object of the Committee is to instruct the ignorant, to provide the unemployed with work, to promote a daily reading of the Scriptures, and to watch over these criminals individually, not only when in prison, but, as far as possible, after they leave it.

CARLISLE COUNTY JAIL.[2]

This jail is situated nearly opposite to the new and magnificent Court-houses, with which it forms a singular and melancholy contrast. It is an old building, excessively limited in its accommodations, and unfit in almost all respects for the purpose to which it is applied.

[1] Pains are however taken to ensure the industry of these prisoners, by setting them such tasks of work as it is known they are able to perform. If these tasks are not completed, the prisoners are punished by the loss of a meal, which is found to have a powerful effect.

[2] Visited on the 15th of the ninth month in company with several magistrates.

You enter into a large court-yard containing nearly an acre of ground, and guarded only by a brick wall fifteen feet high. On your left is the prison; and on the right, the jailer's house and a small chapel, which admits of no separation during the time of service between the male and female prisoners. We were first introduced to that part of the jail, in which the debtors reside, and which consists of three well-sized rooms. In these they not only pass the day but sleep, in large companies. There is no separate accommodation for women debtors. The consequence is deplorable: when an unfortunate woman becomes involved in debt, and is arrested,—however respectable, however virtuous she may be,—she is compelled to live day and night with a number of men, who are utter strangers to her; or, if she prefer the sad alternative, with felons and criminals, the desperately wicked of her own sex. Where is the law which justifies the exposure of an innocent woman to so evident and so terrible a contamination?

A fourth room, immediately connected with the debtors' apartments, is allotted to the confiners—to those, who for certain crimes have been sentenced to various terms of imprisonment.

There is, during the day, no separation whatever between this description of criminals and the debtors. Their rooms open one upon another, and the great court is the airing-ground common to both these classes. The female criminals of all descriptions, whether tried or untried, are confined in two small rooms, the one measuring sixteen feet by thirteen, the other sixteen feet by nine and a half. In these rooms the unfortunate women pass both day and night, cook their victuals, wash their linen, and sleep on straw: they have the use of no airing-ground. Those, indeed, whose health requires it, have occasional permission to walk in the great court; but this liberty cannot be enjoyed except at the price of exposure to all the men in the prison.

In the remaining part of the building are confined the male felons, the tried and untried together. Their accommodations consist of a day-room twenty-two feet long by sixteen in breadth, four ill-ventilated sleeping-cells severally measuring nine feet by seven, and a small square court, separated from the large court by a double but open iron palisade.

Every sleeping-cell was fitted up with some straw, two blankets, and a rug. At the time of our visit, there were sixteen felons here, and *four* slept together in a cell. Sometimes the number of felons has amounted to forty: when they are thus numerous, a large proportion of them are obliged to sleep in their day-room.

This jail is white-washed twice in the year, and was at this time very cleanly. It is attended occasionally by a medical man, and once in the week by a chaplain. The prisoners are allowed no fir-

ing, clothing only in cases of emergency, and *for their maintenance not quite three pence-half-penny per day.*

This allowance is cruelly small; for, except when bread is very cheap, it is absolutely insufficient for the due support of life. Small as it is, it is not the smallest allowance made in the jail. The debtors have from ninepence to one shilling and threepence per week; those committed for neglect of orders of bastardy, *nothing.*

The felons are heavily ironed, and are without any employment.

The reader will observe, that the most remarkable feature of the Carlisle jail is the total want of classification. No separation between the men and women debtors; none, during the day, between the debtors and confiners; none between the various descriptions of female offenders; none between the tried and untried felons. It may be added, that since the felons' yard is separated from the great court only by an open palisade, nine feet wide, the freest opportunity of communication with the felons is afforded not only to the debtors and confiners, but to any one, who happens to be walking in the court. This unchecked association amongst the various classes of prisoners, connected as it is with a condition of complete idleness, must assuredly be an easy and a certain method of spreading corruption and producing crime. The introduction of improper articles into the prison is also peculiarly easy; for every stranger, who is admitted into the great court, may convey what he pleases to the debtors, the confiners, and, through the iron palisade, to the felons themselves. The quantity of ale which is said to be introduced into the jail is almost incredible, and is of course frequently productive of great disorder.

The Court-houses, which are very near the Jail, are superior in point of splendor and accommodation to almost any in the kingdom. It is much to be regretted that the erection of a new prison should not have been a *prior* object of attention: but I am informed that *this* also is in contemplation. Certainly, it cannot be too early taken to do away with an evil which is eating rapidly into the very vitals of the community.

REMARKS

ON THE

CESSION OF THE FLORIDAS

TO THE

UNITED STATES OF AMERICA,

AND ON THE

NECESSITY OF ACQUIRING THE

ISLAND OF CUBA

BY

GREAT BRITAIN.

SECOND EDITION.

WITH CONSIDERABLE ADDITIONS.

[Printed Exclusively in the Pamphleteer.]

BY J. FREEMAN RATTENBURY, Esq.

Chaque nation doit se gouverner selon le besoin de ses affaires et le conservation du bien publique.

MONTESQUIEU.

LONDON:

1810.

REMARKS

ON

THE CESSION OF THE FLORIDAS,

&c. &c.

October 2nd.

The following "Remarks" were written in the month of July, but owing to some unexpected delays, they did not appear in the columns of the Morning Chronicle until the 21st and 27th of August, and 1st September; since their insertion, the anticipated rejection of the treaty for the cession of the Floridas by the king of Spain, has been realised, and given birth to various political speculations respecting the effect likely to be produced in the relations existing between the Court at Madrid and the United States of America in particular, and generally in the European cabinets.

The ultimate views of the United States upon this question have been prematurely avowed in their diurnal papers, and if disposed to impute the rejection of the treaty to British influence, from a desire on our part to acquire the Floridas, it is possible that they may anticipate us, by attempting their occupation; for this purpose there exists a secret act and resolution of the legislature, so far back as the Congress of 1811, by which "the President is fully empowered to occupy any part, or the whole of the territory lying east of the river Perdido, and south of Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government or power;" and by the same act and resolution, "he may employ any part of the Army and Navy of the United States, which he may deem necessary, for the purpose of taking possession of, and occupying the territory aforesaid, in order to maintain therein the authority of the United States." This secret authority was not promulgated until the opening of the Congress of 1818, when the President in his speech declared it as his war-

rant for directing the dislodgement of the Insurgent Commodore Aury from Amelia Island, an apology necessary for that apparent stretch of power in the American executive.

Prepared with this sanction, and holding in the utmost contempt the means of retaliation in the power of Spain, we cannot doubt of the disposition of the United States government coercively to possess the territory which has been denied to their entreaty. But this permission to invade the Floridas, ample as it is for its object, may not now the affairs of Europe have assumed a new character, be deemed by the President sufficient to warrant an exposure of the Union to the chances of hostilities, without the reconsideration and renewed authority of Congress. As that body will not meet before the 6th of December, sufficient time will be allowed to the Washington cabinet, to enquire how far they are likely upon this question to be compromised in their political relations with the powers of the European continent; and to ascertain the extent of their financial resources and their adequacy to the purposes of warfare.

The secret act and resolution of Congress alluded to, was passed when the ambitious strides of Buonaparte were rapid and successful; when the sovereigns of the continent held their crowns by his permission. The American legislature did not contemplate that his folly and infatuation would enable the European powers to triumph in their turn, and subdue the gigantic influence of the modern Attila, nor did they imagine that such discordant elements as those presented by his enemies, could be so combined in peace and concord, in the union of measures forming the basis of the treaty denominated the Holy alliance. Judging from their previous vaccilations, their jealousies and repeated apostacies, no such expectation could have been formed, and we may hail their amalgamation as a new era in the political world, pregnant however with the germs of self-destruction.

To this treaty of alliance the king of Spain was subsequently admitted as a party, and it is probable that on his accession, the Allied Sovereigns did not anticipate that circumstances would so soon arise in which they might be involved by its provisions with the transatlantic republic. It is generally understood that they are pledged to maintain the integrity of each others' territory, and that this pledge is not merely confined to the European continent.

The claims of the United States upon Spain, which are urged with such clamorous impatience, are for spoliations committed in her ports upon the commerce of the Union, since the year 1796, amounting to eight millions of dollars, against which the Spanish government have established a set off of three millions, for depredations of a similar character committed by the Americans on the

property of Spanish subjects, thereby reducing the net amount of their demand to five millions. It must be recollected that those violations of American property in Spanish ports were principally committed by the French, while Spain bowed to the dictation of the Emperor Napoleon, while her monarch held merely the shadow of a sceptre and his ports were occupied by the navies of his enterprising neighbour. Instead of making reclamation of France for those injuries on their commerce, instead of resenting the insults they were daily receiving from her despotic sovereign, and withdrawing from the mortifying situation in which he placed their minister when he declared the American government "the most despicable under Heaven," the United States permitted their representative to remain near the Court of St. Cloud, and to follow the fortunes of the falling chieftain, even to the walls of Moscow, in which perilous expedition Mr. Joel Barlow sacrificed existence; yet, now they have to contend with a weak and powerless opponent, beggared in finances, and distracted by internal commotions, the American government evinces extraordinary sensibility, and assumes a loftier tone, asserting in a recent correspondence that "the rights of the United States can as little compound with impotence as with perfidy!"

It is reported, but the assertion is extremely suspicious, that Mr. Forsyth the special minister from the United States to Madrid, on the subject of the Florida treaty, drew from our Ambassador at that Court, Sir Henry Wellesley, a declaration that he was not directed by the British government to interfere in the Florida negotiation, and that he was not authorised even to express our disapprobation of the cession of those provinces, a question equally inconsistent with diplomatic delicacy to ask, as with diplomatic policy to answer. England is certainly from her maritime character, above all other powers, *the most interested in this question*, and we cannot suppose our ministers can look upon this momentous negotiation with indifference, or be inclined gratuitously to avow their course of policy, and thus by a premature disclosure, paralise their future measures.

The American Secretary of State, Mr. Adams, appears to have considered the transfer of the Floridas in the petty spirit of a tradesman, rather than with the extensive views and liberal feelings of a negotiator for a principality; in his correspondence with the Spanish Minister, he demanded the abrogation of all grants made in those provinces by the king of Spain, subsequent to the year 1802, and the excuse offered for this infamous proposal to violate the rights of individuals, was, that in that year, the subject of the cession of the Floridas had been *agitated* by the two governments. This disgraceful stipulation was proposed when the United States

were about to acquire a territory containing several thousand square miles, the most valuable harbours, millions of unappropriated acres, and the sovereignty of two frontier states of the last importance to their influence and security, for a claim too of doubtful justice amounting to the small sum of five millions of dollars! the Chevalier D'Onis however in his reply, indignantly spurned this proposal, as alike offensive to the character of his sovereign to receive, and dishonorable in the American Secretary to offer.

We are told that the arrival of the Hornet at New York from Cadiz, with dispatches to the United States government, stating the probable issue of the negotiation, excited the utmost surprise and indignation in the American people, who have lately adopted the *sic volo sic jubeo* in their language towards Spain, and were astonished at her daring to oppose a refusal to their fiat. That vain people did not for a moment suspect that Spain had sufficient courage to hazard a rupture with an opponent so formidable! the consultations of the Washington Dictators were long and frequent, and the result has been that the Hornet again directs her course to the shores of Andalusia, pregnant doubtless with the fate of the Spanish monarchy!

Time will manifest the policy we may adopt, but I cannot believe that we shall permit the acquiescence of the Spanish monarch in the claims of the North American Union, without demanding from the Court of Madrid the cession of the island of Cuba. The only adequate indemnity they have to offer, and the only security we can acquire, to counteract the effect of the cession of the Floridas.

Should the American government, inflated by their partial successes in the last war with Great Britain, determine upon taking violent possession of the Floridas, Spain *must*, however reluctantly, resent the insult, and call upon her allies for assistance against the common enemy of their Alliance, and we shall not I presume refuse the summons: we have already a subject of deep interest to discuss with the United States, the unexpiated murder of Arbuthnot and Ambrister, which, notwithstanding the feeble efforts of the administration to palliate, in opposition to the manly and indignant feelings expressed in the motion of the Marquis of Lansdowne, remains a foul charge against the American character, and an insult to our own.

The cession of the Floridas by Spain to the United States of America, although it has occasionally elicited the political speculations of some of our diurnal publications, does not appear to have excited that feeling of general dismay and apprehension, one would have imagined, coupled with the transfer of a territory, peculiarly circumstanced to wound our prominent interest, to the controul of

the most active and enterprising of our commercial rivals, whose strides towards universal empire on the Continent of America, have been more rapid and successful than the example of any nation in the older Continent of Europe, and who threatens, with fatal presage, at no remote period, successfully to dispute our dominion on the Ocean.

The distance of the Floridas from Europe, the general ignorance of Europeans respecting these important Provinces, and the peculiar circumstances which give to them a high degree of local influence, together with a disposition in this country too lightly to estimate the progress towards power in the United States, have conspired to repress, or to disarm, that spirit of jealousy which is ever on the watch to guard against the changes of European policy: few are either aware of the consequences this cession involves, or disposed to question how far its injurious influence may be counteracted by Great Britain, whose commercial and maritime pre-eminence must recede with the advance of the American Union.

Led to the investigation of this momentous cession by a variety of circumstances, and intimately acquainted with the character of the Floridas, from personal observation, and information derived from the most authentic sources, I have presumed to question the policy of Great Britain, in permitting the cession to proceed without demanding from Spain the Island of Cuba, the only equivalent in her power to offer for our security, against the ambitious projects of the United States. In order to illustrate this subject, it will be necessary to establish the local consequence of the Floridas to the North American Union, and to demonstrate the ascendency that nation will acquire by this cession over the commerce of the Gulph of Mexico, pregnant with serious danger to the maritime interests of Europe.

That the acquisition of the Floridas will consolidate and strengthen the North American Union, by uniting the destinies of the Western and Atlantic States, rendering the former dependent upon the control of the latter, while the trade of the Gulph of Mexico, and of our Island of Jamaica, will be exposed in the event of a war with the Union, to certain destruction, is a proposition I conceive too evident to be questioned.

In order to sustain the opinion advanced respecting the consolidation of the American Union, by the annexation of the Floridas, the reader is referred to the geographical character of the United States, and the relative positions of their Atlantic and Western Divisions.

The Alleghany and Apalachean chain of mountains running from the borders of the St. Lawrence and Lake Ontario, to the Gulph

of Mexico, along the western extremities of the Atlantic States of New York, Pennsylvania, Maryland, Virginia, the Carolinas, and Georgia, present a natural separation to those States situated on the banks of the Mississippi and the Ohio, while the British Provinces of the Canadas on the north, and the Spanish territories of the Floridas on the south, appear destined to support the integrity of this division.

Nature—as if it were in the ordination of Providence to designate to mankind the limits of their political Union—has rendered the independence of the Western States more easily attainable, by creating for them these immense rivers the Missouri, the Ohio, and Mississippi, with the smaller ones of the Tombigbee, Alabama, and others, for the purpose of transporting their abundant produce to the sea of the Gulph of Mexico, through the entrepots of New Orleans, Mobile, &c. while she opposes to their intercourse with the Atlantic States, those formidable barriers the Aleghany and Apalachean mountains.

Referring to the map of the United States and of the Floridas, it will be seen that the confines of Georgia, the southern boundary of the Union, are situated in lat. 30. 40. N. and are separated from the northern frontier of East Florida, by the river St. Mary's, the swamp of Okeyfenokey and extensive pine woods; this latter Province then takes a southerly direction stretching into the Gulph of Mexico to the 25. of lat. a long and narrow Peninsula, in its broadest part scarcely exceeding one hundred and forty miles, while the Province of West Florida, skirting the territory of Alabama, to the Pearl river, presents a line of coast extending two hundred and fifty miles west upon the Gulph of Mexico (including that part claimed and occupied by the United States, as comprised in the cession of Louisiana), containing several extensive bays and harbours.

Let us now turn to the contemplation of that phenomenon the Gulph stream. Without philosophically investigating the cause to which it owes existence, it will be sufficient for our present purpose to adopt the supposition that the currents of air arising in the Southern Ocean (generally prevailing from the south-east), passing over the vast desarts of Africa, collect in their progress accessions of strength, and press with their accumulated force upon the surface of the Atlantic Ocean, driving in an oblique direction, along the coasts of South America and the Brazils, an immense volume of water, which passing round the mouths of the river Oronoco, rushes along the shores of the Spanish Main, Terra Firma, the Isthmus of Darien, and the Bay of Honduras, to the Gulph of Mexico, augmented in this progress by the waters of many tributary streams. From the southern shores of the Gulph it advances to

New Mexico, to the Province of Texas, and the State of Louisiana, then taking a southerly direction in order to pass the Peninsula of East Florida, it sweeps with the rapidity of five miles an hour, an irresistible current through the channel which separates the Island of Cuba from Cape Sable, the southern extremity of East Florida. Having doubled the Cape, it advances along the Atlantic shores of North America, and taking a north easterly direction with a gradual reduction of its rapidity, it touches the edge of the banks of Newfoundland, and again mingles its waters with the parent ocean.

Against the direction of this propelling current, vessels seldom hazard the experiment of an encounter; but committing themselves to its influence, they swiftly pass along its channel from the various islands of the Gulph of Mexico, and the numerous harbours of its shores, to their destinations in North America and Europe, one only alternative of egress being presented through the windward passage lying between Cuba and the Islands of Jamaica and St. Domingo, a navigation often difficult and always dangerous.

Having thus feebly sketched the character of this natural influence upon the navigation of the Gulph of Mexico, in order to illustrate my opinions, and to furnish an apology for their adoption, I must return to my previous assertion, that the Western and Atlantic States of North America have become identified in interest, and inseparable in policy, by the cession of the Floridas to their federative Union, and must endeavour to explain my motives for believing that this change in the sovereignty of the Spanish Provinces will give a decided and indisputable ascendency to the Atlantic States over their Western brethren (between whom there exists no natural sympathy), a controul extremely questionable and of uncertain continuance, without this cession; the latter owing their prosperity to their agricultural character, while the former uniting the thrift of commerce with the cultivation of the soil, are so situated as to become, from local necessity and circumstances, a maritime Power.

I know that it may be advanced against me, that the example of the last war repels my assumption that there is really no natural attachment between the Atlantic and Western States; that war was undertaken against Great Britain through the influence of French feeling, though professedly to vindicate the undefined claim of "seamen's rights;" and though the trans-Alegheny divisions did not, perhaps, possess a single individual subject interested in the issue of the question, they were the most clamorous for satisfaction, and the most ardent in the support of the Executive, while their demagogues and orators supported their resentments against Great Britain, and fed the brutal passions of their followers by the angry

loudness of their declamations and the frantic severity of their anathemas.

To reconcile this apparent paradox, I must premise that the present population of the Western States are recently emigrated citizens from the Atlantic, and have carried into the wilds of the Western territory all those prejudices and passions generated against England, and nursed by the recollection or detail of those causes which led to the separation of their allegiance from her authority: for a season those hostile feelings will continue, but the progress of time and change of circumstances will soften those resentments, while succeeding generations, more remotely allied to the Atlantic family, will contemplate the country of their European ancestors with subdued feelings, and view her policy with little other than common curiosity, unless roused by an attack upon their immediate interests; while the Atlantic States, on the contrary, frequently brought in contact with England, owing to their maritime character, will be exposed to collision with her, to support ambition, or to resent insult.

War will necessarily entail upon the United States the evils of taxation for its support, and will be followed by a precarious and limited export of agricultural produce; the Western people, more sensibly alive than their Atlantic brethren to the pressure of those misfortunes, will naturally question the policy of measures owing their existence to circumstances in which they can have no participation, and reasoning from their influence, ascribe the miseries they sustain to a war founded in ambition, and supporting an interest quite foreign to their own, they will, in consequence, either reluctantly submit to the Atlantic policy, or desire to withdraw from a Union pregnant with so many disadvantages.

This was, I apprehend, the prospective view taken by the American Government, and the conviction that such danger would ultimately menace the existence of their Union, led them to consider of the best means for averting its threatening aspect.

The Floridas presented to the Executive of the United States the important security, since in its possession they foresaw the power that would accrue to the Atlantic States, by giving to them an extensive line of coast, and commanding harbours, subjecting to the naval control of the Floridas, particularly the Eastern Province, with which they were naturally allied in interest from its maritime character, the only channels of export open to the Western territory.

It has been already demonstrated, the irresistible necessity which compels vessels from the Gulph of Mexico to pass the shores of East Florida; in their egress from it, those from New Orleans, Mobile, &c. are consequently subjected to the same impulse, and

must therefore pass through the Gulph Stream of the Florida Channel, running as it were the gauntlet from Louisiana to the coast of the Carolinas. This local influence of the Floridas upon the commerce of the Western States will, when united to the Atlantic States, enable the latter to silence the complaints of the former, menacing their commercial entrepots with blockade and destruction, should they manifest the least repugnance to support their maritime policy, or hint a desire to abrogate their federal union, while the only alternative presented to submission will be to carry their arms across the Aleghanys, and attempt, by the doubtful issue of war, to resist the Atlantic dictation.

It is, I am well aware, a general and favourite opinion in this country, that the extension of the federative system indefinitely to States remotely situated from the seat of the Executive, dissimilar in character, in climate, and in habits, must tend to weaken its security, and will ultimately terminate in a general dissolution of its fabric; but I conceive this opinion has been hastily formed, and the reasoning, erroneously deduced from principles inapplicable, and examples by no means apposite, without reflecting upon the true nature of the union, and the limited extent of power conceded by the several States to the federal Government. All matters of local concern, whether in the formation of laws, the regulations of police, the rights of individuals, or internal improvements, are equally subjected to the control, and confided to the protection, of the legislative bodies of each State, unswayed and unquestioned by the general Government, which has neither the power to invade, nor the inclination to disturb, their peculiar privileges, while the dignity of their members, in the estimation of those around them, equals in consequence those of the general Congress. The management of external policy, the care of providing resources for the defence and vindication of their united interests, the power to declare war, to make peace, and generally to superintend the welfare of the Union, are among the prominent and acknowledged prerogatives of Congress.

Drawn from their distant plantations to the seat of Government, sacrificing for the public benefit the supervision of their individual property, and the social enjoyments of home, without the ordinary incitements to ambition of Court favour, place, or pension, the Members of the Congress (with comparatively few exceptions) feel the dignity of their appointments and the fatigue of legislation rather a burthen than a benefit.—Until a heavy public debt, and the weight of business, requiring a more extensive administration of the Government, shall concentrate in the American capital a number of idlers and theoretical politicians, detached from the sober duties and employments of life. Until the back settlements

of America shall be so fully populated, as to drive agriculturists to become renters and dependents upon the great land proprietors[2] (who will thereby derive the profits of their estates without the cares of cultivation), the American Union, should it embrace the Floridas, may remain unshaken by internal convulsions, free from the influence and distraction of that class of men, who, in European countries, combining leisure and wealth with ambition, are ever on the alert with their talents and intrigue to agitate and produce political changes.

That party in the Eastern States, during the last war, who formed a self-constituted Convention at Hartford, and who presumed to dictate to the people of the Union the necessity of separation, excited neither apprehension nor interest beyond their immediate circle; but were viewed with contemptuous indifference by the well-informed classes of society of America, who justly estimated their ephemeral existence, and the impotence of their measures, while they operated with extraordinary influence upon the nervous system of our political sciolists.

But the American Executive, in seeking to acquire possession of the Floridas, were not solely actuated by the dread of the remote danger that menaced the existence of their Federative system, by the possible separation of the Western and Atlantic States; they were well aware that its annexation was coupled with other, prominent and important considerations to their national security and influence, and would aid their darling anticipations of future naval pre-eminence.

The Bay of St. Louis, at the opening of the Lakes Maurepas, Pontchartrain, and Borouge, the Settlement of Pascagoula, upon the river of that name, and the flourishing establishment of Mobile, below the junction of the rivers Tombighee and Alabama, are embraced by that part of West Florida, claimed and occupied by the United States (to which they have but a questionable title), as part of the territory comprised in the cession of Louisiana. The entrance of the river Perdido, the noble harbour and town of Pensacola, with the fort of Barancas, St. Andrew's, and St. Joseph's Bays, and the Promontory of Cape St. Blas, the Appalachicola river, and part of the Appalachie bay, are comprehended in that division of West Florida recently ceded by Spain; the remainder

[2] Such is the powerful influence of independence over every other consideration in the mind of the American farmer, that he will sacrifice his early habits, his local attachments, the endearments of family and friends, and bury himself in the wilds of the Western territory, rather than become a dependent.—The heirs of the late Sir William Pulteney, Bart. possessors of an extensive tract of land in the State of New York, vainly endeavoured to obtain lessees for their property. They have since been obliged to sell it by intersections.

of the bay of Appalachie runs to the south-east, as far as the river Amaguira, from thence nearly due south to the bay of Spiritu Santo, containing within its limits several considerable estuaries.

This latter bay includes that of Tampo, presenting a noble and spacious harbour, completely sheltered from the influence of the north-west wind, and capable of receiving the whole of the British Navy. This harbour was for a long time considered unimportant from the supposed shallowness of the water on the bar, and the intricacy of its channel. This extraordinary ignorance of its actual capacity is imputed to the jealous caution with which the Spaniards guarded every avenue of entrance to their trans-atlantic possessions, which induced them to publish to the world erroneous surveys of their coasts and harbours, in order to disarm the enterprising spirit and cupidity of other nations, who might be stimulated to seek their acquisition, when aware of the natural facilities they presented. But the American Executive, fully apprised of the character of that auspicious nation, were determined to ascertain for themselves how far the surveys were to be depended upon; for this purpose they dispatched, early in the year 1818, after the reduction of Amelia Island (in which she co-operated) the Enterprise ship of war, with directions to examine the bays and harbours from Cape Sable to the river Perdido, in order to ascertain the actual capacity of that coast, the result of which amply satisfied them of its importance.

Below the Bay of Spiritu Santo, distant about 70 miles, is Charlotte Harbour, of inferior importance, yet highly desirable to the trade and influence of the Province of East Florida. The mouth of the Delaware River and Chatham Bay, extending to Cape Sable, are too near the channel of the Gulph stream to be safely resorted to by large vessels; but for small craft they will be found advantageously situated.

Passing round Cape Sable, advancing along the shores of the Atlantic, the several rivers and inlets between it and the entrance of the ports of St. Augustine, in lat. 29. 30., are too inconsiderable to be worthy of notice, and too dangerous, from the shallowness of their channels, and the frequent variations of their bars, to admit vessels drawing more than eight feet of water. The harbour of Amelia Island, on the northern frontier of this province, has a good channel of entrance and secure anchorage ground.

The St. John's River, however, presents a feature of the highest importance to the character of East Florida. This noble river, taking its rise in the lagoon of Mayaco, at the southern extremity of the province, flows with its current in a lateral direction with the coast of the Atlantic, from which it is distant about 40 miles, towards the north, offering to the internal navigation of the province

an extent of near 300 miles, 200 of which are navigable to vessels capable of passing its bar. This beautiful river is in some places nearly two miles wide. In its progress to the sea, into which it empties itself 40 miles below the river St. Mary's, it passes through and is fed by several lakes, the most considerable the lake of St. George, fifteen miles in breadth and twenty in length, its bosom ornamented with several islands, adorned with natural groves of orange trees and aromatic shrubs, the shores abounding on either side with immense forests of live oak,[1] cedar, cypress, pine, and other valuable trees; the soil genial to the production of cotton, rice, tobacco, coffee, sugar, and other important products; the salubrity of the climate equal to any in the world, and far superior to that of the Southern States of North America, being entirely free from the pestilential miasmata which rise from the low grounds of the Carolinas and Georgia, and prove so extensively destructive to their white inhabitants. A communication between the Western States and those of the Atlantic may be easily effected through the agency of the St. John's River, enabling them to exchange their several productions without hazarding (particularly in time of war) the passage of the Gulph Stream. To the Bay of Tampo the river Manatte flows from its source near a creek of the St. John's, with which it might be connected by a canal of about ten miles extent, opening a channel of commerce amply repaying the expense of its formation.

Thus situated by the cession of the Floridas, which, whether resulting from the caprice of Spain, or from her inability to resist the demands and menaces of the North American Government, is matter of secondary importance to us in discussing the question of our national interests; but supposing that the cession will be ratified, agreeable to the preliminary treaty, it becomes necessary for the Ministers of Great Britain to seek protection against the operation of this change in the sovereignty of a territory peculiarly situated to annoy the nation over whose destinies they preside. Let them not flatter themselves with the fallacious hope and idle expectation, that the United States will forbear to use the means of offence against us, thus placed at their disposal, nor lull themselves with false confidence in the security of treaties with that

[1] This invaluable timber, celebrated for the closeness of its texture, and its imperishable nature, is peculiar to the Southern States and the Floridas; in the former the supply, contiguous to the rivers, has already been exhausted. While in East Florida, I saw several cargoes shipping under contract, for supplying the Naval Dock Yards of North America. It is a well established fact, that wood, the produce of southern latitudes, is necessary to the construction of ships destined for those stations, while those built of the productions of northern regions split beneath the action of the rays of the sun.

nation, whose every aim and object is directed against the only power capable of restraining their inordinate ambition, possessed of the means of questioning their maritime ascendency, and of contending with their commercial enterprise; for whether Federalists or Democrats, the people of the United States are all equally hostile to Great Britain, and the spirit of party, as if influenced by a magic spell, subsides into quiescence wherever she becomes the subject of debate.

In England we form erroneous opinions of the Government of the United States, because we reason upon their political institutions by analogy; but the system of their Executive is as remotely distant from European as the hemisphere they inhabit. Fully participating in the feeling of the American People towards Great Britain, the Members of the Executive are constantly occupied in promoting the interests of the Nation, by ministering to their darling prejudices, steadily pursuing popular support by the consolidation of its strength, and the extension of its empire; while, in their political relations with foreign powers, they are guided by no other influence than selfish policy. Calculating, in the spirit of national egotism, that their Democratic institutions are viewed by all Monarchical Governments with jealous apprehensions, and the dread of their becoming objects of general imitation and adoption, they watch with the quick and enquiring eye of their eagle, every movement of their opponents, and seize the moments favorable to their objects, from the supineness or imbecility of their political rivals, appropriating, without scruple, to the hungry appetite of their ambition, whatever may minister to its support.

While the Ministers of Great Britain are occupied in directing the enormous bulk of our establishments, in devising the means of meeting our tremendous expenditure, and animating their influence through the various arteries of patronage, the simple machinery of the United States is conducted with facility, supported by the confidence of the people. The Congress, in the periods of peace, confined to the mere routine of management, detached from all questions of local concern by the intervention of State Legislatures, are free to speculate upon their dawning greatness, and upon the means of effecting the ruin of their political adversaries.

Untaxed either by the government or pauperism, the mass of the people, intelligent and enterprising, easily acquire competence. The frequent recurrence of their elective franchise, in calling their attention to the regeneration of her government, carries convincing evidence of their participation in the sovereign authority. The freedom with which they question the conduct of their statesmen, the unceremonious manner in which they animadvert upon the measures of their Congress, and their unadorned and uncourtly

salutation of the Chief Magistrate, all conspire to assure them of the equality of their political condition, and inspire them with confidence in the integrity of their representatives. These advantages, to a high-minded and generous people, would be productive of the noblest political and intellectual attainments, but unfortunately for human nature, as another proof of its imperfectibility, they have generated in the American people an excess of vanity and egotism, exquisitely disgusting.

But to return from this digression to the question of indemnity necessary to England from the cession of the Floridas to the United States; the island of Cuba offers that indemnity, and the only one we can consider equivalent to the injury our commerce will sustain by this untoward cession. This beautiful island, the most important in the western hemisphere, salubrious in climate, and luxuriant in soil, is separated from the island of St. Domingo (which lies to the south-east) by a narrow channel, directly below it. West and by South of the latter, at the distance of about ninety miles, lies our island of Jamaica. The length of Cuba is estimated at two hundred and fifty leagues, and its breadth from fifteen to twenty, comprehending a great variety of unequal surface. Cotton was found here in abundance by the early settlers, but the proverbial indolence of the Spaniards induced them to neglect the cultivation of this valuable shrub, which requires little from the care and labor of the planter; this article has given place to the more recent culture of sugar, coffee, indigo, and tobacco, and there is little doubt but if in possession of a vigorous government, disposed to give encouragement to a more extensive agriculture, this island would produce a sufficient quantity of sugar for the supply of the whole of Europe,[1] for although the surface is in general unequal and mountainous, it possesses extensive plains abundantly watered, for the cultivation of the cane, and of every article necessary to the existence of man, its tobacco surpasses in quality the growth of every other part of America, its reputation is so well established as to require no comment. The range of mountains extending from one extremity to the other of the island, offers to the climate a variety of temperature and rich soil, producing abundant crops of coffee, while the wilderness of the interior affords protection and pasturage to extensive herds of wild cattle.

A very inconsiderable part of the Island of Cuba is at present

[1] The extraordinary fertility of the island, and the consequent ascendency it will acquire by a more extensive agriculture, will doubtless excite the opposition of the British West India interest, when its accession shall become the subject of debate—with Cuba in our possession, we may abandon the whole of our West India islands.

in a state of cultivation, some plantations are to be found in the neighbourhood of St. Jago, a port to the windward of the island, and at Trinidada to the south, and in the neighbourhood of Matanza, a secure and spacious bay at the entrance of the old canal, but the principal plantations are confined to the beautiful plains of the Havanna.

The Spanish government has latterly given considerable encouragement to foreign settlers, professors of the Roman Catholic religion, in consequence of which emigration has increased with astonishing rapidity, both from Europe and the continent of North America; the white population is now estimated more than equal to the proportion they bear to the negroes in the Islands of the West Indies; the last census of the latter was eight hundred thousand.

The harbour of Havanna, directly opposite Cape Sable, is one of the securest in the world, sufficiently capacious to receive the fleets of Europe; it is defended by the Moro, and a fort at the point; the former, a fortress of considerable importance, is elevated high above the surface of the sea, unassailable by ships of war, protected on the land side and towards the harbour by four bastions, with a wide and deep ditch cut out of the rock, and a covered way. The Cavagnac, another fortress, at a greater elevation, commands the Moro and the town, while the Dalteres and Arostigny batteries contribute to its security.

The city of Havanna is esteemed the finest colonial city of the world, a superb square ornaments the centre, and handsome structures adorn its various sections, the churches are inconceivably magnificent, and richly endowed with plate of gold and silver; the Opera house of San Carlos equals, in the magnificence of its decorations, those of Europe.

The city of St. Jago di Cuba was originally the capital of the island, but has receded in consequence, with the advance of the Havanna, denominated by the Spaniards the key to the Western World, and certainly with much justice, since its possession must control the commerce of the Gulph of Mexico. It is from this harbour we must, in time of war with the Americans, dispute the passage of the Gulph; from this we must succour and support our convoys against their hostility, and present to them a secure retreat from the violence of the elements, in the dangerous navigation of the stream. Here must be the depôt of our naval thunder to awe our enterprising enemy; while Cumberland harbour on the S. E., a capacious and secure estuary, already well known to our cruisers, commands the windward passage, and offers to our control the trade of the West Indies and the Spanish Main.

Those advantages, a few of the many prominent ones the island

of Cuba possesses as a territorial acquisition, are, however interesting in themselves, secondary in comparison with the important considerations it presents for the security and support of our naval ascendency, a commanding influence, the charm of our existence as a nation, which has given to our pigmy territory the arms and power of a giant, suited to the genius of the people, and familiar to the habits of our country, for the maintenance of which we should sacrifice every other influence.

With Florida on one side, and the Island of Cuba on the other, in the possession of hostile and energetic powers, our intercourse with the Gulph of Mexico might be interdicted, and our flag excluded at their caprice, from the abundant marts for our manufactures, dawning upon our commercial enterprise with the infant liberties of South America.

We must not flatter ourselves with the hope that our pacific relations with the United States of America will have longer continuance than the influence of necessity shall operate to restrain their hostility. The ambition of that nation to become pre-eminent on the ocean, has been nourished by the successes which attended their naval contests in the late war, and they confidently anticipate a series of triumphs with renewed warfare, forgetting, or rather wishing to conceal from themselves, that the circumstances which gave temporary ascendency to their ensign, did not result from their superiority either in tactics or in bravery, but in almost every case they had to contend with inferior force both in ships and men, while the greater part of their own crews were English deserters, impelled to deeds of daring by the recollection that defeat would be attended with certain and ignominious death. I do not, in saying this, wish to detract from the merits of the American sailors, a hardy and intrepid race, but I will not cede one atom of the courage of the British tar, bold as their native rocks, in favor of any nation under heaven. I lament, in common with every admirer of our naval prowess, that a single laurel should have been stripped from our brows, for the magic influence of success is dispelled by a single reverse.

But whether Spain, in ceding Cuba, could give possession to Great Britain, is, I confess, a matter of speculation. The people of that island have little to complain of the government of Spain; they are not oppressed by taxation, they have a degree of freedom unknown to the generality of Spanish possessions; their ports are open to the commerce of the world, and their produce is preferred to the growth of other western colonies. Under England they would contemplate being subjected to our colonial policy, and to a consequent reduction of trade, and indeed if we do not place Cuba, in the event of acquiring it, under the restrictions which

exist in our Islands, we shall be guilty of a partiality that may induce the complaints of the latter.

These menacing evils the people of Cuba have anticipated, for the possibility of such a cession, from the weakness of Spain, and her decreasing influence on the American Continent, has been contemplated by them. The people of the United States, dreading the proximity of our arms, are actively nourishing this apprehension of evil, and are ready to aid the first manifestations of a desire to throw off the sovereignty of Spain. But for the intolerable egotism of the people of the Union, and for the contempt they have excited by their vanity and ambition, Cuba would have long since unfettered her dependence upon the Spanish Monarch, and have thrown herself into the federal embrace of the North American Union.

During the presidency of Mr. Jefferson, while Spain bowed beneath the yoke of France, from which there was then no prospect of relief, the people of Cuba, feeling themselves incompetent in force to maintain their independence, sent a deputation to Washington, proposing the annexation of the Island to the federative system of North America. The President, however, devoted to French influence, vainly calculating upon the triumphs of that nation on the ruins of the British power, until the important victory of Trafalgar dissipated the delusion, declined the proffered acquisition.

While I hazard the opinion that the people of Cuba will be adverse to the sovereignty of Great Britain, coupled with the restrictions of our colonial policy, I am far from believing that they would feel disinclined to the transfer of their allegiance, provided our possession of the Island should leave them, in their present situation, free to the commerce of the world. Advancing in the scale of consequence by becoming tributary to the first commercial and maritime nation of Europe,—secure in property and liberty, under our protection, the Island of Cuba would increase in population and in wealth, with a rapidity unequalled, and would amply repay the British Government for its fostering care and protection, while its rich mountains and fertile plains would present to the redundancy of our population a delightful refuge from the misery of poverty and despair.

It is our bounden duty, it is our imperative policy to anticipate the rivalship of the United States, and by erecting a power capable of contending with them, in their own hemisphere, prevent the destruction of our commerce, which will otherwise inevitably follow our neglect of those precautionary measures, for, in spite of the infatuated indifference which marks our policy towards the republic—in spite of the apathy with which we view their rapid progress in wealth and power, hereafter the contest for the empire

of the sea will be between England and the North American Union, a warfare suited to the prejudices of their people, and the character of their country.

Our North American Colonies will also derive security from the accession of Cuba by Great Britain. Exposed to our hostility on the southern frontier, and the consequent distraction of their attention to the various assailable points of their extensive territory, the American Union will not be able for many years to come, to detach a sufficient force to subjugate the Canadas; in the meantime the latter will grow in consequence and population equal to their own rotection.

Spain will doubtless reluctantly consent to the alienation of the Island of Cuba from her sovereignty, but I trust that the Ministers of Great Britain will not permit that nation to withhold from us a possession rendered necessary to the protection of our commerce, by the weakness which has induced her to cede to the demands and menaces of the United States, the important position of the Floridas. If ever there existed a necessity for departing from the ordinary courtesy and delicacy of nations—if ever self-defence justifies coercion, surely the present is the moment; and the apologists for the seizure of the Danish fleet at Copenhagen, cannot want an excuse for this equally necessary violence.

If any example was wanting to prove the degraded power of Spain, the imbecillity of her councils, and the truckling policy of her adoption towards the United States, it would be amply furnished by the recollection, that her Minister was directed to negociate the cession of the Floridas, while the troops of the Union were in hostile possession of Fort St. Marks and the Island of Amelia, while their hands were yet reeking with the rapine of her polluted territory, and red with the blood of our murdered countrymen!!![1]

But Spain, in the cession of the Island of Cuba to the British Government, will not merely consult the interest and advantage of this country, she will minister to the security of her yet unalienated territories on the American Continent, by placing the key of the western world in the possession of a power capable of restraining the rapid progress of that ambition with which the United States are fired, a passion far more formidable to Spain than to England. But should her obstinacy refuse, or our mistaken delicacy withhold us from demanding the cession of Cuba, a short time, with the Floridas in possession of the United States, will suffice to place that island out of the power of Spain to cede and ours to acquire.

It is now said that the ratification of the treaty of cession of the Floridas will not receive the Royal signature. The six months appointed for the exchange expired on the 22nd of August; whether

[1] Arbuthnot and Ambriester.

Spain will have the courage to withhold it, remains in the bosom of time; but judging from the example of her conduct towards the United States, when the latter demanded the liberation of Mr. Meade, one of their citizens, confined by the civil authority of Spain for a collusive compromise with one of their officers, we may doubt of her resolution to refuse it.

Coupled however with the suspension of the signature, the return of Don Onis, the negociator, to Spain, at this critical moment, furnishes some pretext for the opinion that it will not be completed; that Ministers, foreseeing the fatal consequences with which the cession was pregnant, had tried every thing that finesse and protraction could effect, hoping that England would rouse from her seeming torpor, and interdict the alienation of the Floridas to the Union.

If, however, Spain shall, at this period of the negociation, assume the language of independence, and hazard the experiment of a refusal, we cannot doubt but that she is animated by the promised support of a formidable alliance. In the mean time the re-opening of Congress in the United States will call for the explanation of the President upon this extraordinary and unexpected delay, the speculators in Florida lands (and they are numerous) will be clamorous for possession.

Influenced as the American Executive are by the tide of popular feeling, it is extremely doubtful whether they will be able to withstand the demands for the subjugation of a territory so highly important to their security and consequence. Nothing less than the fear of being involved with the powers of the European Continent will restrain them from seizing on the Floridas by force of arms. It is true that their financial and commercial difficulties are great and paralysing. Imitating the vices of our system, they have created a factitious capital through the agency of paper circulation. Obliged to return to a more wholesome currency, without the gradual operation of legislative restrictions, and unpossessed, like ourselves, of a proportionate metallic medium, they have felt the influence of the transition more severely than the people of England.

TWO TABLES,

(WITH EXPLANATIONS,)

ILLUSTRATIVE OF THE SPEECHES

OF THE

RIGHT HON. THE EARL OF LIVERPOOL,

AND THE RIGHT HON. THE

CHANCELLOR OF THE EXCHEQUER;

SHOWING THE

RATES OF EXCHANGE

ON

Hamburgh,

COMPARED WITH

THE AMOUNT OF BANK NOTES,

AND

THE PRICE OF GOLD,

AND WITH

THE FOREIGN EXPENDITURE,

AND THE VALUE OF GRAIN IMPORTED

FROM THE YEAR 1793 TO 1819.

ORIGINAL.

LONDON:

1819.

A TABLE showing the Amount of Bank Notes, and the Prices of Gold, in January and July, in each Year, from 1792 to 1819, together with the Rates of Exchange on Hamburgh for the same period.

		Amount of Bank Notes.	Price of Gold.			Exchange on Hamburgh.
		£.	£.	s.	d.	
1792.	January...	10,509,420	3	17	6	34. 6
„	July.....	11,496,190	3	17	6	34. 5
1793.	.....	11,142,710	3	17	6	35. 4
„	.....	12,713,510	3	17	6	37. 2
1794.	.....	10,850,340	3	17	6	35. 9
„	.....	10,439,130	3	17	6	35. 6
1795.	.....	10,773,060	3	17	6	34. 6
„	.....	9,643,830	3	17	6	32.10
1796.	.....	10,632,430	3	17	6	32. 7
„	.....	9,597,900	3	17	6	33. 7
1797.	.....	9,294,500	3	17	6	35. 6
„	.....	10,778,100	3	17	6	36. 6
1798.	.....	11,279,860	3	17	10½	38. 2
„	.....	11,843,600	3	17	10½	37.10
1799.	.....	12,062,820	3	17	9	37. 7
„	.....	12,482,260	3	17	9	36. 0
1800.	.....	13,297,310	3	17	9	32. 0
„	.....	14,350,260	3	17	9	32. 6
1801.	.....	15,893,080	No Price.			29. 8
„	.....	15,044,560	No Price.			31. 6
1802.	.....	15,394,020	No Price.			32. 2
„	.....	17,094,010	No Price.			33. 3
1803.	.....	15,651,770	No Price.			34. 0
„	.....	14,290,570	No Price.			34. 4
1804.	.....	17,158,780	4	0	0	34.10
„	.....	16,974,570	4	0	0	35. 8
1805.	.....	17,849,970	4	0	0	35. 6
„	.....	15,674,770	4	0	0	35. 8
1806.	.....	16,295,200	No Price.			30. 3
„	.....	16,567,560	No Price.			34. 5
1807.	.....	16,004,660	No Price.			34. 8
„	.....	16,068,240	No Price.			34. 3
1808.	.....	16,619,240	5	3	0	34. 4
„	.....	17,219,310	5	4	0	35. 3
1809.	.....	17,397,550	5	0	0	31. 3
„	.....	18,818,160	5	1	0	28. 6
1810.	.....	20,669,320	No Price.			29. 6
„	.....	22,136,540	No Price.			30. 2
1811.	.....	23,658,450	4	11	0	26. 6
„	.....	23,935,127	4	11	0	25. 0
1812.	.....	22,702,450	4	13	6	27. 6
„	.....	.....	4	19	0	28. 6
1813.	.....	24,390,140	No Price.			28. 0
„	.....	23,968,500	5	4	0	26. 6
1814.	.....	25,981,740	5	10	0	28. 0
„	.....	26,062,130	4	11	0	29. 3
1815.	.....	26,839,490	4	6	6	32. 4
„	.....	27,296,580	4	16	0	32. 0
1816.	.....	26,468,283	4	2	0	34. 4
„	.....	26,681,398	4	0	0	36. 3
1817.	.....	24,959,730	3	18	6	36. 7
„	.....	26,193,820	3	19	0	35. 5
1818.	.....	26,407,510	4	0	6	34. 6
„	.....	26,034,970	4	1	6	34. 5
1819.	.....	24,733,590	4	3	0	33. 8

Note. The amount of Bank Notes is taken, for the first Sixteen Years, from an Appendix to the Speeches of the Right Hon. Nich. Vansittart, upon the Bullion Question, in 1811. That for the subsequent Years is extracted from the various Documents laid before Parliament. The Rates of Exchange and Prices of Gold from an Account returned to the House of Commons by the Mint, in 1811, and subsequently from the Annual Returns.

EXPLANATION OF THE TABLE

ON THE

AMOUNT OF BANK NOTES, &c.

It will be seen, that for 13 years previously to 1805, the price of gold was little affected by the amount of notes issued by the Bank, and that it remained constant at little more than 3*l.* 17*s.* 6*d.*, or 3*l.* 18*s.* per ounce, although the amount so issued by the Bank varied from 9 to 17 millions. During the three succeeding years the price of gold rose as high as 5*l.* 5*s.* per ounce, and, during the same time, the Bank issues never amounted to 17 millions; and when, up to 1811, the latter kept increasing up to upwards of 23 millions, it will be seen on the contrary, that the former kept gradually falling to about 4*l.* 12*s.* per ounce. From that time till 1814, they both rose progressively, and it is only during this short period of 3 out of 27 years, that the price of gold appears to have risen uniformly with the increased issues of the Bank.

In considering the price of gold with relation to the Exchange on Hamburgh, it will be seen that, whilst, during the whole period from 1792 to 1805, the former remained steady, as already stated, at about 3*l.* 17*s.* 6*d.* or 3*l.* 18*s.* per ounce, the exchange was above par at intervals for about 8 years, having risen in 1794 to 36½, and in 1798 to nearly 38, and was below par only between the years 1795 and 1797, and 1800 and 1803. Indeed, during the whole of the period from 1792 and 1805, the variation of the exchange appears not very satisfactorily to be explained,

either by the price of gold or by the amount of the Bank issues, excepting by the latter in the years 1801 and 1802, when the Bank Notes rose to 16 millions, and the Exchanges fell to 29½.

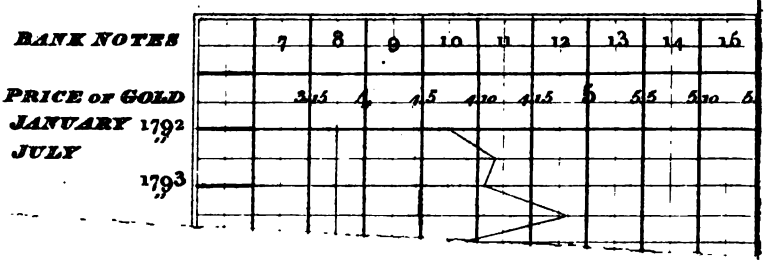
It is true that from 1808 to 1812, the increased issues of the Bank should appear to have depressed the Exchange in a very regular degree, but from that time to 1817, they have both, with trifling exceptions, risen together, and have exhibited a curious anomaly, namely, that whilst the Bank Notes have amounted to nearly 27 millions, the Exchange has remained above par, as it was when the former amounted to only 9 millions, the price of Gold being at both periods under 4*l.* per ounce.

From hence it should seem, that the variations in the Exchange, and in the price of gold, though generally considered as being greatly affected by each other, appear to have been for a considerable period of late years, rendered subservient to the more powerful influence arising from the increased issue of Bank Notes; and this may probably be explained, from the latter circumstance having afforded great assistance to mercantile transactions by the facility of discounts, which must, in proportion to the increase of external trade, have excited a corresponding credit and confidence abroad.

THE AMOUN

In January and July in each

Bank Notes colourel
Price of Gold
Exchange



A TABLE showing the Value of Grain imported, and the Amount of Foreign Expenditure in each Year, from 1793 *to* 1818 *inclusive, compared with the Rate of Exchange on Hamburgh for the same period.*

	Value of Grain imported.	Foreign Expenditure.	Exchange on Hamburgh.
	£.	£.	
1793	2,021,993	2,785,232	35. 4
1794	1,768,811	8,235,592	35. 9
1795	1,461,022	11,040,236	34. 6
1796	4,487,110	10,040,916	32. 7
1797	1,455,722	———	35. 6
1798	1,569,757	———	38. 2
1799	1,765,840	———	37. 7
1800	8,755,995	———	32. 0
1801	10,149,998	———	29. 8
1802	2,155,799	———	32. 2
1803	1,164,592	2,460,000	34. 0
1804	1,855,233	3,461,000	34.10
1805	3,754,831	5,495,000	35. 6
1806	1,100,540	6,635,000	33. 3
1807	1,878,521	6,616,000	34. 8
1808	336,480	9,552,000	34. 4
1809	2,705,496	10,235,000	31. 3
1810	7,077,865	12,372,000	29. 6
1811	1,092,804	———	36. 6
1812	1,213,850	———	27. 6
1813	2,192,592	21,817,313	28. 0
1814	2,815,319	26,495,027	28. 0
1815	793,245	26,128,813	29. 4
1816	942,497	7,802,256	34. 4
1817	6,403,893	3,404,670	36. 7
1818	10,908,140	2,387,657	34. 6

EXPLANATION OF THE TABLE

ON THE

AMOUNT OF FOREIGN EXPENDITURE, &c.

THE Exchanges are affected by two great principles of political economy, namely, by the Foreign Expenditure, and by the amount paid for grain imported. When, therefore, the importation of grain, and the Foreign Expenditure have been great, the Exchange has become unfavorable, and the latter has, vice versâ, increased nearly in the same ratio as the two former have diminished.

In the accompanying Table it will be seen, that each protruding line of demarkation, specifying the variation of the Exchange, has, with very trifling exceptions, a corresponding sinus in the two lines which designate the increase or diminution of the Foreign Expenditure and the amount paid for imported grain.

The result to be inferred is, that the Foreign Expenditure having now dropped from upwards of 26 millions annually down to 2 millions, the exchange will also most probably partake in a great measure of this counteraction, and become gradually higher, especially if the succeeding harvests should fortunately prove so abundant, as to render importation unnecessary.

END OF NO. XXIX.

THE

DEFENCES

OF

THE WHIGS;

A NEW EDITION,

WITH

A PREFACE.

BY

THOMAS, LORD ERSKINE.

LONDON:

1820.

PREFACE.

A "REPLY" to the "Defences of the Whigs," now published together, has some time ago made its appearance, under the specious title of "A DEFENCE OF THE PEOPLE," as if there had been a word in either of them by which their rights or liberties were invaded.

The very few remarks I have to offer upon this publication I have chosen, therefore, to make as a Preface to this new Edition, that whoever collects from it the nature and character of the complaints against me, may, by comparing them with what I have written, be more clearly convinced of their injustice, and that public men may take warning to avoid all political communication with those, who with seeming gratitude acknowledge services to the country, and reward them with the bitterest reproach.

To vindicate this salutary caution, I feel myself at liberty to reprint the exordium of this singular work, since it relates wholly to myself; setting me upon a pinnacle of merit and reputation, which I never had the vanity to look up to; as if the most manifestly erroneous statements could possibly remove me from wherever I ought to stand in the opinions and feelings of the people.

"It was on the 9th of November, 1794," says this author at the very outset of his work, "that I harnessed myself to the carriage of the Honorable Thomas Erskine, when that distinguished barrister was drawn through the streets of the metropolis, amidst the blessings and the tears of a people whom he had saved from the gripe of oppression. Your Lordship does not praise yourself half enough for the exploits of those days.—It

is but a poor description of them to say, 'that you saved your brother-reformers from being hanged.' The English, then, had but one hope left. Their parliament, instead of protecting them, lent aid to the tyrants that conspired their destruction. Nothing remained but to frighten or corrupt the tribunal which held the sword over those whom their mock representatives had delivered bound hand and foot to the bloody servants of the crown. A complaisant jury would have completed the work of a treacherous parliament. It was not the existence of HARDY which was at stake. If you had often before fought for victory in this cause, you then contended for the life of our British liberties. No time, no, nor your Lordship's subsequent conduct, shall obliterate your share in the glorious struggle that gave a breathing-time to the last defenders of their country. The congratulations belonged to the rescued prisoner, but the praise was all your own;—you were the saviour of the innocent, the restorer of liberty, the champion of law, of justice, and of truth. Dazzled by your eloquence—animated by your courage—sympathising with your success—your fellow-countrymen sunk under their admiration, their gratitude, and their joy; and bowed down before the idol of their hearts."

A writer ought to be perfectly sure of his ground, who prefaces a libel with such enthusiastic praise, since, as in his own avowed opinion I once deserved so exalted a station and character, he is surely bound to establish *very serious offences*, to justify the sentence immediately following it, in which he addresses me thus:

"*My Lord, you should have died when you descended from the triumph of that memorable day. The timely end, which is the sole protection against the reverses of fortune, would have preserved you from that more lamentable change, which could have been occasioned only by yourself. Had your life closed with the procession, you would have gone down to posterity pure and entire. As it is, your admirers have nothing left for it, but to separate your early career from your present state, and to look at the record of your former exploits as belonging rather to history than to you.*"

It is true he mitigates this harsh denunciation by adding, that I have companions in this fallen state; and, in the course of his work, he selects them from amongst the most able and virtuous public men.—SO FAR I AM HIS DEBTOR.

It becomes nevertheless material, both as it regards the reputation of this writer, and my own, to examine what I have done, or omitted to do, since the period when he pronounces that I ought to have died; as I willingly concede it to be far better a

man should die, who has deserved well of his country, than to forfeit by his misconduct its affection and respect.

The author then proceeds to establish the justice of his sentence of death against me by long and labored censures of the Whigs from the Revolution downwards; but, as this Preface is not published to support what I have written concerning them, *which I shall leave for ever to the public judgment*, I may safely dispose OF THE WHOLE OF IT by only stating, that on the 9th of November, 1794, this writer well knew I had long been a member of the House of Commons; personally attached to Mr. Fox, and supporting the Whig party; he must have known also, that I had approved of the junction with Lord North, which he reprobates, and had supported the Administration formed under it; yet, with this full knowledge of me, *he still was harnessed to my carriage*, and tells me, even at this hour, that I might THEN "have gone down to posterity PURE AND ENTIRE." *Up to this period therefore I am safe*, which greatly narrows my remarks.

From the vehement abuse which still goes on through the whole pamphlet against the conduct of those with whom I have so long acted in Parliament, it is not easy to comprehend, how the desertion of such politicians, which he yet seems eager to impute to me, could at all lessen my reputation, or be any infidelity to the cause of the people; but, knowing that a firm and faithful adherence, not only to political principles, but personally to those with whom they have been maintained, is a great feature in the character of an English gentleman, he endeavours to defame me in that respect; and it is matter of extreme astonishment, that any man should be so rash as to print and publish such a charge without even pretending to have a single fact to support it, since, instead of even assuming one, he, in his forty-third page, after disjointing the Opposition by his own unfounded separation of some of its most eminent members, only from occasional differences of opinion, which must always exist amongst honest men, puts this strange question to me personally: "*And now, my Lord, permit me to ask whether* ANY PARTY *has counted upon your Lordship for these last years?*" To which I readily and confidently answer, *in the face of the whole world*, YES,—THAT PARTY with which I began my public life, with which I have uniformly acted, and against which I never have given a single vote in either House of Parliament, *since the Author was harnessed to my carriage*. In voting for the continuance of the war, just before its conclusion by the battle of Waterloo (my reasons for which are expressed in the following pages), it is notorious that the Opposition were

divided in opinion; and indeed the author himself most courteously reminds me, that Mr. Grattan (who, thank God, is still living) voted on the same side of that question with myself.—Perhaps *he also should have died.*

The insinuation of my having changed my political opinions by the desertion of the Opposition is the more inconceivable, as the very gravamen of his work, in almost every page of it, is, that we had changed our opinions *together*, but which is just as notoriously unfounded as that I had changed them *singly*.

Before I leave the imputation of changeableness I cannot help remarking, that this author is surely a very inconsiderate and careless writer, since even in the heat of this accusation he goes quite out of his way to furnish the strongest evidence of a directly contrary disposition; as in speaking of Mr. Perry, now and for so many years past the Editor of the Morning Chronicle, he several times describes that gentleman as *my forty years' friend.*—Now such a friendship was not very likely to have continued so long, if I had abandoned all those principles, to the support of which this truly honest and enlightened man has so faithfully devoted himself during all that time. I could not therefore have even guessed at the drift of putting this question to me but from a dull sentence, to be known only for a quotation, from the obscurity of its author, by inverted commas.

"You might as well say, 'if you laugh at Lord Erskine's green ribbon, you cannot have any respect for Mr. Erskine's defence of Hardy.'"

To this vulgar jest I reply, that if the author holds in republican contempt the most ancient distinctions of a monarchical state, he is undoubtedly well justified in considering the green ribbon as a laughable thing; but he fails altogether when his wit is palpably not pointed at that *knighthood*, but *personally against me.* It is well known, that the Order of the Thistle is a distinction for the nobility of Scotland; and that ever since the Union it has been the custom to invest with it two English peers. Now, as the author repeatedly taunts me with my *Stuart* ancestors, he perhaps has inadvertently let down the force of the sarcasm he aimed at; because, if I am of the family of the King who instituted the order, and had been for many years in the service of its present Sovereign, it seems difficult to find fault, either with the Prince Regent for bestowing it on me, or to make out my disqualification to receive it: but, if the insinuation was pointed to convey, that the accepting it was a departure from my principles or friendships, I

hold the slander in the utmost contempt, between my whole life is its unanswerable refutation.

I stood towards the Prince Regent in a relation quite different from that of my friends in Parliament, having been in his Royal Highness's service from the first formation of his establishment. The appointment of those ministers who still continue in office, might, for a season, produce a corresponding coolness amongst public men, but which could not with any propriety involve me, from my particular situation, and from many personal obligations, I was bound to fulfil all my duties. I remained, therefore, and still remain, faithful to the Prince of Wales, but faithful alike to my principles and friends, defying any man, as I now do, to charge me with the slightest deviation from the most perfect integrity and consistency, as a Member of Parliament, for nearly forty years. I value the distinction alluded to, because it was a mark for my rank and birth; and I value it the more, because it was given to me by the Prince as a mark of his personal regard, and without any wish or expectation that it could in all affect my public conduct. So much for the Green Ribbon, which I have only at all adverted to, because I will not suffer a second quibble to cross across the unsullied path of my public life without publicly treading it out.

The assertion of my having given up the Reform of Parliament, the great, or rather the only avowed object of his complaint, is equally unaccountable and surprising, because in the pages now before the reader I repeat, and strongly inculcate, the very same sentiments which he himself praises as honest, when expressed in the House of Commons in 1795. To avoid all subterfuge, I shall refer to his very words, and the quotation, and then to my own, written lately, that they may stand in comparison together. In his 29th page, he expresses himself thus:—

"What said the HONEST MAN, the popular Whig of ninety-two?—Against the prevalence of both extremes (Republicanism and Toryism) there only exists one remedy:—It is to invigorate the Democratic part of the Constitution, it is to render the House of Commons honestly and substantially the representative of the People, that Republicans may no longer have topics of invective, nor Ministers the means of corruption."—*Parliamentary Debate, December 3, 1795.*

I cannot sufficiently express my thanks to the author for having given to the public of this day, after a lapse of nearly twenty-five years, that which he considers as an honest man's

sentiment on this momentous subject, which might otherwise have been forgotten; and now let us see what I myself have written only a few months ago.

"The prevailing sentiment amongst men whose influences are more likely than any thing I know to bring about some change in the representation, is *this*:—That the alteration should not be such as to change *the character of Parliament*; but that such an extension should be enacted as would create [illegible] CONSTANT OPERATIVE BALANCE against the increased influence of the Crown. As the House of Commons is *now* constituted, the voice of the People has always prevailed in the end; BUT NOT IN SUFFICIENT TIME [illegible] NATION TO CALAMITIES [illegible] substantial, and *unanswerable* arguments [illegible] what we would be the most powerful and certain regulator of a time-piece, if it could be insensibly and perpetually effect its motions, but could only not turn it right after a great and palpable aberration, whilst in the meantime the reckonings of seamen might be lost, and shipwrecks have overwhelmed them in the deep?"

Thus had pitiable misrepresentation or inadvertency been at work, when instead of only referring to the words of the honest man of ninety-nine, and to my own lately published, I have been obliged, in my justification, *even to reprint them again*, that the Reader might have before him, at one and the same moment, the speech in 1793, which is eulogized, and my writings at this hour, which are condemned.

I have, in some degree, anticipated the error in the Preface pointed out by the Author of "an Essay on Liberty" and should have thanked him for it, if he had done it with temperance or fairness, as undoubtedly every thing submitted to the Public should in the most literal sense be well founded.—The error arose from the manner in which this writer had expressed himself in his Defence of the People, in answer to the Defences of the Whigs.

After having quoted a speech of Mr. Fox, on the principle of resistance, referring, to it by an [illegible] to the Parliamentary Debate, Dec. 3, 1795—he then proceeds as follows:—

"Oh, my Lord! we have [illegible] as far as it can be derived [illegible] words that [illegible] have been called Revolutionists, half so often as Mr. Fox, Mr. Sheridan, Mr. Grey, Mr. Courtney, Mr. Lambton, Mr. Whitbread, Mr. Francis, Mr. Taylor, and, *though last, not least in the list of those who have copied the style of calumny, the Honorable Thomas Erskine.*—What said the Honest Man, the popular Whig of ninety-two to ninety-three against and practitioner of both extremes, Republicanism and Tyranny, there only estate one remedy; it is to invigorate the Democratic part of the Constitution; it is to render the House of Commons so honestly and substantially the representative of the people, that Republicans may no longer have topics of invective, nor ministers the means of corruption.'"

My object, from the very beginning of my public life, has never varied: it has been and always must be, to obtain such a House of Commons as I have uniformly described. My change of opinion, repeatedly avowed, and, unfortunately, too strongly confirmed by every thing passing around us, was only as to the best and most probably successful means of effecting an unchangeable purpose under circumstances that have changed. Declaimers, who look only to the popularity of the hour, when the multitude are in a state of irritation, have only to flatter and inflame them; but they who honestly contemplate the prosperity and happiness of their country, must, though they continue stedfast in the pursuit of their original object, assimilate their exertions to the means that are solely in their hands. The scenes, indeed, which have so lately convulsed some of the most populous and industrious parts of the kingdom (a repetition nearly of those which immediately followed and disappointed the original exertions of the Whigs, when the society of the Friends of the People was instituted), render only other answer to this author superfluous and useless. Those amongst the Whigs, who at any time supported a Reform in Parliament, have not, that I know of, departed from their de-

This quotation was referred, by the mark †, to a Letter to Mr. Pitt, page 33; and undoubtedly, if I had properly attended to the two distinct references, I should have seen, that the words quoted regarding Reform were not from any speech in Parliament, but were to be found in a Letter to Mr. Pitt, particularly as in his 51st page it had been stated, that such a letter had been attributed to Sir James Mackintosh; but inadvertently applying the reference to the Parliamentary Debates of ninety-five, and not turning to them, as they were in London, I certainly did think, that the HONEST MAN, of ninety-two, applied to me as the last antecedent, and was intended to contrast invidiously my present opinions with those at the period when he had held me up by his praise to universal approbation, more especially as the object of his work, as far as it related to me, was to represent me as one *formerly*, but *now*, with the rest of the Whigs, an apostate from reform; but it must be quite obvious, that whether the words quoted had been spoken by *me*, or written or spoken by *any other person*, could make no possible difference in my argument or defence, because my only object was to shew, that my recent opinions, as published in the Defence of the Whigs, had accorded in pages 15 and 16 of the *Preface*, most of the same characters with those which he had himself considered as *honest*. This is the whole; and I think the mistake may fairly stand in public opinion as a trifling one, and without the imputations of vanity, stupidity, or dulness, to which it has been ascribed; but even if it could not have been reconciled without the correction of all of them, I should equally have stated the fact candidly and plainly, as I have done.

Having declared, in the seventh page, that I would leave *for ever* what I had written regarding the Whigs to the public judgment, so shall I now—except in the correction of the mistake, which it was incumbent on me to set right.

clared opinions, that an extension of the representation is most desirable, and is a just expectation on the part of the people; but in my opinion, and speaking for myself, they never can rationally act with those who defame them. They ought for ever to stand aloof from all such Reformers; not from resentment, nor even from a decent pride, however natural and justifiable, but because the defamation proves their views to be different, and that their defamers are seeking nothing like an improvement of the House of Commons, by a wisely adjusted balance of representation, but, on the contrary, counteracting every prospect of it by claiming rights in defiance of the established laws; and, instead of promoting Petitions, encouraging their followers to revile the legislature of their country.

Nothing certainly could be more unfortunate, if this system were countenanced by numbers in general estimation, but happily there seems to be but one prevailing sentiment against it.

Nevertheless, if, in the repression of any meetings of the people for any object of Reform, wise or impracticable, their rights have been infringed, or any wrongs to individuals have been committed, I shall be amongst the first to vindicate every redress which the law can sanction, and shall be found at all times ready to resist the slightest encroachment upon the national freedom. In such a case, mistaken opinions, or the grossest misconduct of individuals, ought to have no kind of effect to disappoint public justice, nor to prevent the union of all classes to uphold the vital security of our liberties. I am not at all acquainted with the details of this interesting and affecting subject, but in whatever shape I can be called upon to consider them, I shall be fully prepared to do my duty. But holding sacred, as I do, the never to be surrendered privilege of British subjects to assemble peaceably, to express to each other and to the government of the country their opinions and complaints, yet I feel no difficulty in saying, that nothing can be more obviously useless and mischeivous than the assembling of immense multitudes, not in their own communities or neighbourhoods, but moving upon other thronged and agitated districts. Such meetings, however legal they may be, cannot but be dangerous to the industrious poor, collected at a distance from their own homes only to disturb the industry of others, aggravating the sufferings of poverty by the interruption of employment, by the hazard of fatal accidents, and the probable temptation to crimes.

Nothing but proceedings of this ill-advised description can bring the immemorial and invaluable rights of the people into question. They render the calm and dignified cause of Reform

an object of terror to many who would otherwise support it, and furnish its adversaries with plausible arguments against all popular exertions, however well intended or peaceable they may be.

The real interests of the people ought not, however, on any account to be compromised or neglected. The privations and distresses of thousands in every populous district are at this moment so grievous as to demand the most indulgent consideration, and if, instead of claiming rights to which the laws are strangers, they were advised by those they trust in to submit the expediency of an extended representation to the wisdom and justice of Parliament, their influence could not but be powerful in the opinions of all reasonable men.

If indeed the visionary claim of Universal Suffrage and Annual Parliaments, or other extreme changes, were entertained and acted upon by numbers of enlightened men of any description, it might then be thought hazardous (as has been often alleged) to withdraw the high sanction of antiquity from the present forms of election, lest when a breach had been made in them by the liberality of Parliament, the Radical Reformers might break in like a flood; but such an apprehension is now surely at an end. This claim of right has no supporters who can give it dangerous, or even plausible effect; and every other theory having been happily swallowed up by it, Parliament is thus left the undisturbed master of the field.

Let Parliament then avail itself of this crisis. I cannot but think, that if the elective franchise were now fairly and judiciously extended, without altering the character of the House of Commons, or violating any principle of the ancient constitution, tumults could not easily be raised: the orators of sedition would be silent, when their topics of invective were destroyed.

I consider the present time also as a crisis in another respect.—Representative governments, though certainly neither contemplated nor wished for by those who first interfered with the French Revolution, already begin to be looked for throughout Europe.—France, at our very doors, has obtained one, and England, by too rigid an adherence to the forms of the feudal world, should not remain an exception herself to the principles she has taught the world.

When the circumstances which I have been obliged to dwell upon are attentively considered, the duty of the Aristocracy seems unquestionable. Placed as they are between the Crown and the People, they ought, at this moment, to exert the influences of rank and property, which, when wisely, honestly, and seasonably exerted, are of incalculable value in every State. I look forward, therefore, with a strong interest, to the

result of Lord John Russell's proposition on this momentous subject in the ensuing session of Parliament.—His rank and character are ample securities to Government, and the principles of his family a sufficient pledge to the People.

The real interests of the people, nor however, [illegible] [illegible] or neglected. The privations and [illegible] of thousands in every populous district are at this [illegible] so grievous as to demand the most indulgent consideration, and if, instead of claiming rights to which the laws are strangers, they were advised by those they trust in to submit the expediency of an extended representation to the wisdom and justice of Parliament, their influence could not but be powerful in the opinions of all reasonable men.

If indeed the visionary claim of Universal Suffrage and Annual Parliaments, or other extreme changes, were entertained and acted upon by numbers of enlightened men of any description, it might then be thought hazardous (as has been often alleged) to withdraw the high sanction of antiquity from the present forms of election, lest when a breach had been made in them by the liberality of Parliament, the Radical Reformers might break in like a flood; but such an apprehension is now surely at an end. This claim or right has no supporters who can give it dangerous, or even plausible effect; and every other theory having been hardly swallowed up by it, Parliament is thus left the undisturbed master of the field.

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PREFACE

TO THE SECOND EDITION.

Had I been in my usual health during the late Election for Westminster, the following pages would not have been offered to the public so shortly, nor in so defective a state; but, after having been more than two months in my bed, which I never had been confined to for a day during a great number of years, the *mind* felt the constraint even more than the *body*, and sought an immediate deliverance from irritation in the imperfect manner that has been seen; and I did not therefore think of asking, *from myself*, the attention of the public to their contents: but when I found I was so generally believed to be the author, that even in an advertisement of an answer to them, I was publicly considered to be so, I thought it right to desire Mr. Ridgway, if they went to another edition, to add my name to the title-page. Wherefore indeed should I conceal it? My ancestors, though of the Stuart Family, were Whigs at the period of the Revolution; some of them had suffered persecution for their principles, until delivered by the deliverance of the country; and I had been taught from my earliest youth to hold in the highest reverence that auspicious æra in our history. When I came most unexpectedly into public life (not long after I had landed in England as a subaltern in a regiment from a foreign garrison), and wholly without patronage or protection, yet I looked only to the quarter where I could see clearly the principles in which I had been bred, and attached myself to Lord Rockingham and Mr. Fox, constantly maintaining, both at the Bar and in Parliament, all the doctrines which, whether well or ill-founded,

were *then*, and until *lately*, *by their opponents* received throughout the country as those which always had characterised and ought perpetually to distinguish the representatives of the Whigs who had effected the Revolution: and, as eminent men coming later into life (who are too well known to require enumeration) added strength and reputation to this public spirited body, it more effectually pursued the same independent course. Can it be wondered at, then, that I felt indignant at reproaches poured out against so many personal friends, who had never betrayed their principles nor departed from the most conscientious discharge of their duty? As far, however, as such injurious representations may call for refutation, I pass them by altogether, for the present, referring only to what has been already published on the subject; but the extreme mischief of this conduct I cannot help once again submitting to the serious consideration of many worthy and enlightened men who are sincerely and rationally devoted to the success of a practicable and useful Reformation.

They who expect to carry *any point whatsoever* by tumultuous assemblies of the people, or by violent, unmeaned attacks upon the character and constitution of Parliament, know nothing of this country. Indeed the opponents and detractors of the Whigs have *themselves* originated and raised up the grand obstacle to *any* Reform of Parliament, by investing their own favorite theory with the character of *a right*, instead of offering it for consideration as the wisest and most constitutional Reformation. Now what, let me ask, can it possibly be expected Parliament should do, whilst such a spirit exists and continues to be excited amongst the people? The answer to this question is a very plain one: *Just nothing at all; even if the Crown had no influence whatsoever in the House of Commons.* The claim of *a right* to *any species of suffrage* not only defeats its own purpose, but almost shuts the door against every other proposition of Reform, howevermoderate, because it unfortunately verifies this standing objection to Reformers, so constantly now in the mouths of all the enemies to Reformation: "*You* ask Parliament to adopt *your* system; but, granting it to be an improvement, what contentment can be expected to follow from it, since your promised change, if adopted, would not at all conciliate those, whom no change will satisfy but *one only*, which it is utterly impossible that Parliament can ever grant?" The safest shield therefore that can be opposed to *all Reformers* is our *ancient constitution*; which, however it may be theoretically defective, has been the parent of all the laws and institutions that have raised this country to be the admira-

tion of the world." NOW THIS, though no argument at all; but on the contrary extreme folly, if employed as an answer to those who *like the Whigs* seek only *by the same architects* to render this *venerable* fabric more perfect by *analogous* alterations which time has rendered necessary, is a very fair objection to those who would raze it almost to the foundation, to build up what they think better in its stead. It is however so much easier for a man to throw up his cap into the air than to reason correctly upon such momentous subjects, that epidemic diseases of the *mind*, like those of the *body*, must have their periods; and seeing, with the utmost satisfaction, from the result of the Westminster Election, that the sound sense of the country, never lost, but at times overpowered, was beginning to return again, I determined not to lose a moment in appealing to it, just as a physician would watch the first intermission of a fever to throw in the bark for the restoration of health.

Nothing can be farther from my thoughts than to treat with contempt or disregard the opinions of many conscientious and enlightened men, who entirely differ from me; and I trust I shall not lightly be suspected of a wish to fetter the Press, or to undervalue the advantages of its freedom, though I have been forced to lament occasional abuses, when they impede the great cause of practical and useful Reformation. My principal object has been to deprecate all jealousies and misunderstandings amongst the already too few, who are willing to labor in this vineyard of their country: to implore them to consider the danger of separation, and to warn them against the impetuosity of rash and public denunciations, that with difficulty can be recalled, and which have a manifest tendency to weaken a cause that has been long declining from want of unanimity, moderation and temper.

March 22, 1819.

DEFENCE.

I [illegible] result of the late Election for Westminster, if turned to a proper account by persons of all parties and opinions, may be considered as one of the most favorable events, for securing the tranquillity, and advancing the prosperity of the [illegible], that has occurred since the Constitution was renovated and consecrated by the Revolution. Without at all relying on the correctness of what has been published as having fallen from the Candidates, and their supporters, on the Hustings, scarcely to be heard distinctly, [illegible] interruptions and tumults, I may, nevertheless, assume, as a fact, that Mr. Hobhouse, supported by Sir Francis Burdett, opposed the pretensions of the Whigs of England to any favor or support from her people, as being a corrupt and profligate faction, which had abjured all the free principles of the Constitution, and had abandoned the cause of Reform, which they had once solemnly pledged themselves to support.

To speak plainly: that a Whig might now be considered as a term of ridicule or reproach.

The truth and justice of such imputations deserve most seriously to be examined; because, *if believed*, they cast into the shade the character of the Revolution itself; and leave us without any standard for British freedom, but that which has been planted within a few years by hot, undisciplined Reformers, the majority of whom, though, most probably, honest and well intentioned, have, by their violences, repeatedly disappointed, and, in the end, rendered almost desperate, the great cause,

which they will yet allow no others, who fall short of their own visionary theories, to support.

It must always be a most hazardous conjuncture, when a powerful and populous nation is driven to resort, for its security, to the principles of liberty is *the pure absence*, without being able to refer to any precedent in its own history, for safe guidance and direction. It is on this account, that after the lapse of more than a century, the Revolution of 1688 is considered by all wise and eminent statesmen, and by the great mass of the people of this country, as an example of singular value and importance. Our ancestors, at that period, were well aware of the full right of the people, to have resettled the whole frame of their Constitution, but they were wise enough to leave every thing untouched, which, in principle and effect had not failed, and to provide only for the emergency of a vacant, or forfeited throne, by adhering as closely to ancient inheritance as the security of the Constitution would admit. An alleged defect in this great work, so often in the mouth of Revolutionists, the sober-minded Whigs of England consider as decisively characteristic of its wisdom.—The people at large were not called upon to act for themselves, as if the whole frame of the ancient Government had been dissolved, but writs were sent to the Convention Parliament to supply the *single defect which had taken place*. In this manner England preserved all the ancient treasures of her freedom; her Laws and Constitution continued unshaken, whilst a principle of mutual obligation was solemnly established between the title of the sovereign and the stipulated rights of the people. This Revolution was, happily, not effected by an indignant and enraged multitude, but was slowly prepared by the most virtuous and best informed amongst the higher and enlightened classes of the people, who took prudent and effectual steps for ensuring its success without bloodshed; being confident of the support of a vast majority of the people; of all, indeed, who loved freedom and detested arbitrary power. These were the Whigs of England in the Revolution; and I have never, till very lately, heard their descendants and representatives, whilst they maintained the principles of their forefathers, considered as no unprincipled faction in the state. Whether this universal defection has taken place, and the ancient character of Whiggism is extinct, seems, therefore, the only matter to be examined.

At the period of 1688, a Reform in the original frame and constitution of Parliament, did not come into action, or even *into view*: the Crown had not *then* originated the system, nor acquired the means, of a corrupt influence in the House of

Commons, which, under its ancient forms, had recently obtained the full confidence of the people, by the renovation of the Constitution.

It was not, I think, till after the long, obstinate, and disastrous war against our American colonies, so unhappily persisted in against the most obvious interests and wishes of the nation, that a general spirit of Reform began to prevail in England. This, as I have already observed, was not within the contemplation of the authors of the Revolution; but the spirit and principle of that great reformation having an *universal application* to the support of public freedom, in *whatever shape it would be invaded*, and to the resistance of *every* encroachment of unauthorised dominion, the Whigs were, accordingly, most forward in giving countenance to this rising spirit amongst the people.

An attempt to oppose this spirit, by a most dangerous attack on the Liberty of the Press, remains so universally in living memory, that it is only necessary to refer, in almost a word, to the case of Doctor Shipley, still Dean of St. Asaph. The late Sir William Jones having written a Dialogue between a Farmer and a Scholar, to illustrate the principles and uses of a free representation of the people, which was circulated in Wales by Doctor Shipley, he was indicted as the publisher of a libel; and to sustain his conviction, an attack upon the rights of juries, of such long standing as to have been repeatedly sanctioned by all the judges, was brought into action against him; or, rather, against the whole people of this land; it being then again solemnly decided, by the whole Court of King's Bench, that a jury had *a mere province* than to find the fact of publishing any writing arraigned before them; *the rest* being, exclusively, matter of law, for the judgment of the Court.—A doctrine, now admitted, on all hands, to be utterly subversive of the Liberty of the Press, *and, through that liberty*, of all the rights and privileges of mankind.

Let me pause, therefore, here, to ask the defamers of the Whigs of England *how* this Hydra was subdued?

The Liberty of the Press and the Rights of Juries were not so directly in question at the Revolution; but, as the needle still finds out the Pole, into whatever new region it is carried, so the principles of that modern Magna Charta, of 1688, attaching to force upon every invasion of our free Constitution, the Whigs were, in a manner, instinctively at their posts, and continued at them until the victory over this gross and atrocious usurpation was *exposed, trampled upon, and extinguished for ever*. They were active, to a man, in the support of the accused; and Mr. Fox, at the head of the whole of this band of patriots,

now calumniated as a worthless faction, brought in, and carried through his Libel Bill, which it would be folly to eulogise, because it is universally admitted to be a statute, which, if expunged from our records, would as completely and effectually destroy the freedom of speech and of writing, as if the King were dethroned by an invasion of the Turks.—Before I quit this period, I have only to ask those who have since come into life, or arrived at maturity, to refer to the parliamentary debates, where the virtues and talents of the Whigs, *unless the last continue to be matter of reproach*, are fully and faithfully recorded.

The next conjuncture, material to be referred to, is the *first burst* of the French Revolution.—Upon that awful and afflicting occasion, when a great people, not at all circumstanced like our ancestors at the Revolution, were driven almost to madness in a contention for their rights, the Whigs cannot surely be charged with having fallen short of their bold and free spirit in defence of freedom, wherever overpowered or shaken: on the contrary, it is a fact, almost too notorious to be fitly recalled to memory, that many of the most eminent of that body, following their great leader, Mr. Fox, were accused by some even *of their own body*, as Republicans, who sought to introduce anarchy by overshadowing the sober and regulated character of our own Revolution, already adverted to, in their inflamed zeal for the suffering people of France. It is equally notorious, that, upon the same principle, they opposed and stigmatised the war with France, until it had assumed a character when the rights of other nations were invaded. For although the Governments of those nations, by their unjust and unprincipled interference in the beginning of the French Revolution, undoubtedly drew upon themselves all the calamities which their princes and people suffered, yet it became incompatible with the peace and safety of the world, that France should be permitted to grasp at such an immense, and seemingly boundless, dominion. Indeed, before the war in question had been declared by this country, the calumniated Whigs of England, seeking to illustrate their uniform adherence to the principles of our own Constitution, formed themselves into a society or association for a Reform in the representation of the people in the House of Commons. On that occasion they published a declaration, drawn up by the late Sir Philip Francis, a member of their body, which I will venture to affirm to be above all objection, by any person who looks *to what is practicable*, and who has sense and reflection enough to bear in mind, that whatever passes *the sober medium* has a certain tendency to defeat *every Reformation whatsoever*, by creating an alarm, *which Government is sure to turn to its own account.*

This, indeed, actually and most unfortunately happened. The Whigs had not many days published their declaration, which exposed every inequality in our Representation, and recommended their removal with equal wisdom and eloquence, than the Reformers of the Constitutional and Corresponding Societies, so publicly and pointedly opposed it, questioning even the sincerity of its authors, that it was thought necessary to repel their calumnies, which was done in a most excellent paper, drawn up by the late Mr. George Rous, a most enlightened member of the Friends of the People, and the Whigs of this society pursued their original object with spirit and perseverance, having, soon afterwards, requested the present Earl Grey, then a member of the House of Commons, to bring their declaration before Parliament; and Lord Erskine, then member for Portsmouth, to second the motion.—This proceeding was immediately and most faithfully carried into effect, for which I have only to refer to the memories of many still living, and to the parliamentary proceedings of the time, in the hands of almost every person at all conversant in political history or events. By this reference the Whig Reformers will appear to have zealously pursued their purpose, and could not be at all responsible for the rejection, by the House of Commons, of the Plan of Reform which they had proposed.

Let us now see whether the bolder and more enlightened Reformers, who then suspected and now calumniate the Whigs, were, on their parts, more successful.

Here again the facts are unhappily too notorious. They appointed delegates in all parts of the Kingdom, and organized a general system of correspondence, in terms so rash and incautious, in many instances, indeed, so criminally and dangerously licentious, that their papers were seized by Government, and a few amongst them, selected as their leaders, were taken into custody by warrants from the Secretary of State. On this occasion the Whigs, who never considered these proceedings, however inimical to the success of Reformation, to be of that alarming and traitorous character in which they were regarded by Government, might have looked on with a malignant satisfaction at the disasters of those who had suspected their principles and ridiculed their exertions; but, on the contrary, the instant that the Privy Council, and both Houses of Parliament, sitting in judgment on the evidence, had declared the prisoners to be *traitors*, and had indicted them upon the statute of Edward the Third, for compassing and imagining the death of the King, and for levying war against him in his realm, the whole body of the now calumniated Whigs, faithful to the principles of the

Revolution, were again in a manner instinctively at their posts; and Lord Erskine, then at the bar, was requested, or rather urged by every Whig in England, to give up his lucrative business in the Court of King's Bench, and to attend gratuitously at the Old Bailey at the risk of his health, and almost of his life, to save his brother Reformers from being hanged. Every body must remember, that Mr. Fox, and all the eminent members of the Opposition, were constantly attendant upon the trials, and London, perhaps, never exhibited two more august and splendid spectacles than the processions through her streets on the acquittal of the prisoners. And here to let me refer to the parliamentary proceedings of that day for the noble exertions of Mr. Fox, and all the Whigs, against the dangerous doctrine of *constructive* treasons.

Several other occasions presented themselves, about the same period, which called for the strenuous exertions of the Whigs for the preservation of public freedom; *all of them* proceeding from the violence and rashness of bolder and more active Reformers.—I allude to the bills, which were then passed, to prohibit meetings of the people, and which, but for those exertions, might have been made permanent, like others now in existence of the same description, to which I shall presently refer; and, although all these excesses had arisen out of a departure from the better judged proceedings of the Whigs, yet they were equally faithful in their opposition to every invasion or abridgment of public liberty; *but it was impossible, at the same time, not to see, that every excess of that description became an instrument in the hands of Government to beat down any advances, even to the most moderate and temperate Reformation.*

It was, therefore, with equal surprise and indignation, that, not very long afterwards, I saw reflections upon Lord Grey, probably proceeding from the same quarter, for having abandoned, or, at least, as having become lukewarm in the cause of Reform, which he had himself originated in the House of Commons.—That Noble Lord was placed, by all the violent proceedings I have alluded to, in a perfectly new situation. If, indeed, by his persisting in the pursuit of Reform was meant only a perseverance in fruitless declamation, the high character of his eloquence would have left his silence without excuse; but, if, on the other hand, a reasonable expectation, or even a possible chance of any opening to success, would alone have justified his active perseverance, much more, if it was quite manifest, that it must have been *mischievous*, he claimed by his forbearance the honor, manliness, and wisdom, for which he is so highly and justly distinguished.—A man who is

engaged in an enterprise of a political description, like the commander of a military enterprise, must look at the forces of his adversary; and Lord Grey could not possibly look into the camp of Government without seeing the formidable auxiliaries it had received from the alarms which rashness and violence had produced, and the formidable power which had followed, as of course, to the Ministers of the Crown; but Lord Grey never did, directly or indirectly, in spite of all those accumulating difficulties, abandon the Reform of Parliament, but only declared, *with regret*, that from circumstances, which unfortunately had occurred since he originally considered the subject, he should not, perhaps, be prepared at once to propose the same extended alteration in the Representation of the People, as he had formerly proposed in the House of Commons. Now, in my opinion, who am myself devoted as much as ever to a Reform in Parliament, for reasons which I will give hereafter, Lord Grey deserves the highest praise for this honest, manly, and useful declaration: it proved that he was not to be misled himself, nor capable of misleading others, by a vain thirst for popular applause; but that he looked to what was practicable and useful, even though it might involve him in the confession that he had been mistaken. It should be remembered, also, that Lord Grey was no longer a Commoner, but a Peer, and therefore less entitled to originate any Reform in the other House of Parliament.

It is impossible to quit this part of the subject without following it up by adverting to very recent proceedings of the same character and description, which have placed Reform at a more unfortunate distance, giving rise also not only to a *temporary* suspension of our liberties, but even to *permanent* abridgments of the immemorial privileges of the people. Here again the Whigs—and scarcely two years have elapsed since their united and eloquent exertions were again most imperiously called for—opposed, with one voice, the suspension of the Habeas Corpus Act; they condemned all the acts of violence, committed under the color of magistracy, on an unprotected, helpless people; they reprobated, above all, the act of Indemnity which disappointed all redress, and Lord Grey, in particular, supported by the whole Whig Party, now substituted, what still a step further for the future security of the subject. He denied the power of magistrates to arrest and hold to bail for writings deemed by them to be libellous, before a tribunal found; maintaining his proposition by the most unanswerable argument ever delivered in any parliament or court of justice; and, in the following session, a bill was

introduced, by Lord Erskine, into the House of Lords, in support of Lord Grey's doctrine, to declare this power exercised by the magistrates to have been illegal. Both these exertions for public liberty were seconded by the Whigs, now calumniated, who surely could not be responsible for the rejection, by Parliament, of the views they entertained on that important subject.

Upon both the last occasions, when the Act of Habeas Corpus was suspended, and secret committees were appointed, by both Houses of Parliament, to investigate the extent and causes of the commotions throughout the country, it appeared, that the multitude, most implicated in those excesses, had borne all their privations and distresses with unexampled patience; and that the two points upon which they were combined, or rather maddened, were, the opposition to Machinery, and the Reform of Parliament; both of them, as they sought their accomplishment, destructive alike of their happiness and security. With the breaking up of Machinery, the whole system of our Manufactures must have been broken up also; whilst the visionary and unattainable changes to which they had been excited, and the alarms they had created, removed to a much greater distance every rational object of Reform, which the more enlightened parts of the public might otherwise have exerted themselves to obtain. This is in itself a complete answer to every syllable that has been or can be uttered against those amongst the Whigs, who at any former period were active in this great national cause, whose well-considered and regular proceedings have been suspended, but, it is hoped, not finally defeated.

It seems scarcely credible, therefore, that within so short a time afterwards the whole body of the Whigs, merely because they espoused the pretensions of an unblemished gentleman, of a suitable rank in the world, and duly qualified to sit in Parliament for Westminster, should be publicly represented as an unprincipled faction.

I have carefully abstained from assuming, as facts, even what all the newspapers have concurred in, as having fallen from the candidates and their supporters, on the hustings; but, I am bound to give credit to the Editor of the Morning Chronicle, as to what passed, regarding himself, *until I see it authoritatively contradicted*; who himself reports, that he was publicly represented as the corrupt tool of a CORRUPT FACTION.—Leaving Mr. Perry, however, *for the moment*, I am justified, for the present, at least, in believing, that the *Whigs* of England were branded as a corrupt faction; which is a sufficient

vindication of these pages in their defence.—As to Mr. Perry himself, whom I have known intimately for nearly forty years, no journalist was ever more disinterested, more honest, or more enlightened and independent. He attached himself, personally, to Mr. Fox, supporting the principles of that truly great man throughout the whole of his illustrious life, and was three times exposed to great personal danger, by a fearless pursuit of his duty. On one occasion, no innocence or merit could defend him; since, being committed to Newgate, by the House of Lords, for a breach of privilege, he could offer no exculpation or defence; but, when twice arraigned, as a libeller, for publications in favor of public liberty, he stood before the juries of his country, he was triumphantly acquitted, having defended himself upon the last of his trials with a spirit and an eloquence that would have added lustre to the bar at any period.

Another great error seems to have prevailed during the late election, which strikes at the very form and condition of social life; influences being considered as unjust and illegal, which in all free and popular elections must, from the very nature of human affairs, perpetually exist.—It may not, indeed, it cannot always happen, that every man in Westminster, who pays to the public taxes, has had leisure, amidst laborious occupations, to consider the claims of candidates to distinction and preference: such persons may fairly trust in the opinions, and repose in the wishes of their benefactors, their employers, and friends; and it is not corruption in enlightened men, who can see clearly the interests of their country, to use their influence with persons less qualified to investigate those subjects: but, whether I am right or wrong in this, it always did and always must happen in popular elections, unless God shall be pleased completely to recast the nature and character of man. If upon the late election, influences were exerted which the law prohibits, I hope they will be detected and punished, and a new election awarded; but, beyond that, it is useless and even childish to complain.—These observations were dictated, and almost as fast as they could be written, from a sick bed of severe, long-continued illness; and, as the powers of the mind and body are inseparably connected, I am afraid they bear the marks of the debility of disease. They could not be begun till the election was nearly decided, nor delayed, after its conclusion, till all interest in the subject had passed away. With regard to Sir Francis Burdett; personally attached as I am to the Whigs, I shall not return railing for railing, nor seek to defame or undervalue him: I acknowledge his merits as a public spirited, independent man, who has successfully cul-

tivated his talents so as to be capable, as I really believe he is desirous, to serve his country: but he must forgive me for observing, that when he suffers his passions to overshadow his good sense and the very gentlemanly manners which in general distinguish him, he injures the cause to the success of which he is so zealously devoted. As a man of sense (which he undoubtedly is), he must surely feel, in his cooler moments, that provoking the hostility, or widening the breach with a large body of men possessing property and influence of various descriptions, cannot but have an obvious tendency to oppose new difficulties to any system of Reformation, which must lean for its success upon the feelings and the opinions of men of all orders in the state. It is surely no answer to say, that the honor and independence of many individuals, amongst the Whigs, were not disputed or denied, and that the observations were applied only to those *whom the cap might fit*. This was puerile, if it really passed as reported. The character and consistency *of the Whig Party, in Parliament, were directly invaded*; for where else were the Whigs to be found and collected, that their caps might be fitted? This construction indeed (*if there be any truth at all in what the newspapers have agreed in relating*) is farther quite manifest, by his asking, where the principles of a Whig were to be looked for? Were they the principles of Mr. Fox? of Lord Grenville? or of the Coalition? This was a departure from the *general* charge against the Whigs, and pointed only to those who consented to form an administration with Lord Grenville, or who supported it in Parliament, when formed. Let this mighty accusation be examined.—*At that period* all the differences between Lord Grenville and the Whigs had passed by, and the *former only*, a person of acknowledged integrity and talents, having been sent for by the King to form a new administration, the only question to be decided by Mr. Fox and his adherents was, whether, by refusing to accede to its formation, they were to drive Lord Grenville to form one with those exclusively, whose views and opinions they disapproved, or, unite with him to form one upon mutual trust and confidence, to pursue the best and safest course for the public security and prosperity, at a very critical period. *This* I can safely declare to have been the sole foundation of that administration, and that it was faithfully carried into effect. Nor can I see in it any departure from the principles of the Whigs. Could they themselves have formed an administration? Or, if they could, would it have been possible for them to make an attempt to reform Parliament with any rational expectation of success? Some

people appear to think, that making a noise, or rather creating uproar and confusion by the useless and hopeless agitation of an important question, is a demonstration of consistency and public spirit; whereas I think it demonstrates nothing but FOLLY. True wisdom waits with patience, for the fulness of time when its ripened projects may be successful, and takes care to lose no part of its force by unnecessary defeats.

That administration, amidst many obstacles, did all that was practicable in the short period of its existence.—It raised up the whole people of this land nearer to the throne of a God of love and mercy, *by the Abolition of the Slave Trade.*—It made a most essential improvement in the tenure, if I may so express myself, of military service; in which wise policy and humanity were equally consulted: and it was advancing in the zealous and determined pursuit of every beneficial and *practicable* object, until prevented by its sudden dissolution; an event, which proves, manifestly, that the Whigs were not actuated by the love of place, in consenting to accept of office; and the occasion of their retirement from it was the only error they committed, if error, indeed, it ought to be called, to have followed the dictates of a pure and honest sense of duty.—They thought themselves *bound* to make some early endeavour to ameliorate the condition of the Irish Catholics, however short of what they desired and projected; whereas, in the opinions of some, the danger of touching the subject was too great to justify the attempt. Conscious of their talents, and their honest dispositions to devote them to the public service, their first duty, it has been said, was *the conservation of their power.*—This is the only criticism upon the conduct of the Whigs, that I ever heard in the mouth of any enlightened and dispassionate man; and what praise can transcend such an objection to it, which acknowledges the purest disinterestedness with the highest sense of honor; and only considers their superior capacities to serve their country in the administration of its affairs, as involving a trust, which, for such an object, ought not to have been surrendered. But what, after all, has this to do with the charges against them? They are not condemned by their opponents for having *quitted* office, but for having *taken* it; and I submit to every candid and considerate person what I have already said upon the subject. As to the *facts*, I *cannot* be mistaken; and I can have no interest in giving a false, or too favorable color to them, being past all the employments or ambitions of the world.—I will now conclude with shortly explaining why I set out by observing, that the result of the Election in question might be

highly important, if turned to a proper account by persons of all parties and opinions.

The severe, and occasionally doubtful, struggle, which has placed a Whig candidate at the head of the poll for Westminster, who, in the time of Mr. Fox, might have walked over the course, if Government interposed no candidate, is a proof, that no man, or body of men, however pure, should submit to *systematic* calumny. Against the occasional misrepresentations of ignorance, or malice, inseparable from every human condition, established character is a sufficient, and even the best, protection; but, against an *organized and persevering system of detraction*, without an equally active resistance, no reputation, either of public or private men, can possibly contend; and the reputation of the *former* ought not to be *in their own keeping*: it is a *trust* for the *public*, who are entitled to their most efficient service, and the public cannot be efficiently served by those who are believed, by the mass of the people, to be unprincipled or corrupt.—It is for this cause, that, feeble as my effort must be, *at this moment*, I have *immediately* availed myself of the present occasion to set an example for a system of defence.—When calumnies are vigorously *repelled*, they recoil upon their authors with an accumulated and extinguishing force.

Another use might be made to follow from this system of detraction on the subject of Reform of Parliament. Although public pledges are useless, and even dangerous, yet the great body of the Whigs, who act together in Parliament, might draw together as nearly as is possible, in the consideration of an object, so perpetually shifting as to its practicability or safety, so as to prevent individuals amongst them, when candidates at popular elections, from making clashing or improvident professions. For my own part, I am of opinion, that the hourly thickening difficulties which have, for a long time, involved and darkened this most important question of national policy, will insensibly be dispelled and cleared away. Every body must now be convinced, that a total change, or, rather, subversion, of the present frame and constitution of Parliament, by *universal suffrage and annual elections*, can never be imposed upon this country, but through a sanguinary revolution, proceeding from the lowest and most ignorant; and that ought to be a motive with, and encouragement to, the more intelligent part of the public to consider in what manner, and to what extent, unquestionable imperfections and abuses might be removed, which degrade the character of Parliament, and become the most powerful weapons in the hands of wicked

men to expose the Legislature and Government of the country to dangerous disaffection and contempt. The more I have thought upon this subject, the more I have been convinced, that whilst the necessary influence of the Crown has the support of the collection and distribution of so great a revenue, with the patronage over such an immense dominion in every quarter of the globe, a well arranged and very considerable extension of the system of Representation would produce much less change in the returns of members, than is generally imagined; because many popular elections are now carried against the Crown, from a disgust in the people at its monopoly of Boroughs that are not free; and I will venture, besides, to foretel, that if Parliament should be disposed, either spontaneously, or in compliance with respectful petitions of the people, to consider favorably this momentous subject, and should fearlessly enact what a liberal policy dictated in an extension of the Representation, those gangs of turbulent and almost distracted men, which, more than once, have impelled his Majesty's Ministers to suppress them by unpopular suspensions, and even permanent abridgments, of public liberty, would vanish, *of themselves*, like an enchantment; and the libellers of Parliament, always dangerous to public tranquillity, but often innocent of criminal intention, from the mistaken opinion that they are serving their country by the most unqualified exposures of the imperfections and corruptions inseparable from its present structure, feeling rebuked by its renovered dignity, and endeared to it from its wisdom and justice, would become its most faithful supporters, and the publications of a free press the most effectual proclamations of its will, through the affections of a grateful people. This may appear visionary, or, rather, as a kind of delirium, in a person who is dictating from a bed of sickness; but it has always, when in health, been my unalterable opinion, *provided, as I have already expressed it*, it shall be the free spontaneous act of the House of Commons, or through respectful petitions of the people.

I am fully aware of the great difficulty of suddenly originating and maturing any systematic and general change in a Representation which has existed from so high an antiquity, and which, in so many instances, is interwoven with the franchises of communities, and the individual rights of the subjects; but, surely, Parliament might, *in the mean time*, avail itself of every occasion of justifiable disfranchisement, and of extinguishing such insignificant Boroughs as could be accomplished without arbitrary enactment or personal injustice.

Even this would be the earnest of a real desire to remove palpable imperfections, affecting alike the dignity of Parliament and the freedom of the People, and would be a death blow to the popularity of rash, ignorant, or mischievous men, whilst it could not possibly endanger the balances of the Constitution, which rest for their safety upon the universal conviction of their indispensable importance. But, if an inflamed and ungovernable spirit shall be excited and prevail amongst the people upon this subject, however honestly intended, disposing them to reject the opinions and counsels of enlightened and independent men, whom they had heretofore respected, *only because they keep in view the ancient principles of the Constitution*, I shall *then* be equally clear, that any alteration in the forms of Parliament must be, *for that season*, impracticable; and I, for one, however in heart and soul devoted to it, could only wait, with an anxious hope, for a period when exertions might be usefully renewed, for rational and successful Reformation.

POSTCRIPT.

Since these pages were written, two cases have occurred, so directly applicable to what is observed in pages 27 and 28, that I cannot avoid taking notice of them: I allude to the Reports of the Committees on the Petitions against the members returned for the Boroughs of Penryn and Barnstaple, both which elections were declared void for Bribery, and special reports, *to the high honor of the Committees in question*, brought the evidence, at the same time, before the House of Commons, of a *general system* of corruption in these places.

It is not for me to presume to anticipate the judgments, which, in either of these instances, ought to be given; but the having postponed the issuing new writs, so as to give time for taking such gross mal-practices into consideration, and the having already entertained a Bill upon the subject, are acts of wise policy, which cannot be sufficiently commended, and lead to the expectation of a result, which will give universal satisfaction. Indeed, if I were to be asked what circumstance I should consider as giving the greatest stability to the British

Government, and to national prosperity of every description, I should answer, that Parliament, changed or not changed, as to the *general* forms of election, should have the habitual confidence of all ranks and classes throughout the kingdom, so as that no disturbances could have their origin in any rash distrust of its purity and wisdom, nor popularity be derived from, or impunity expected for indecent animadversions upon its character and conduct; the security and tranquillity of every country depending mainly upon the well-founded reverence in which the Legislature and the Laws are regarded by the great body of the people.

But, however desirable this may be, and however the House of Commons may deserve to be honored and respected (which I am far from wishing to bring into the smallest doubt or question), it will be in vain to count upon such popular trust and feeling, if a few notoriously corrupt and detected vagabonds, in an insignificant town or village, shall be permitted to repeat their outrages in the most sacred shrine of a free government, whilst some of the greatest and most populous marts of our commerce and manufactures remain unrepresented.

It is surely no answer to a judgment of disfranchisement, upon such occasions, to assert, that many other Boroughs are believed to be equally corrupt, any more than it would be a defence in the mouth of a detected felon, at the bar of a court of justice, that the streets were thronged with pickpockets and thieves, who were at large. Neither would it be at all just in Parliament *to assume any such general delinquency*, or to act upon the principle of disfranchisement, *without the most satisfactory proof*. A *general* Reform is quite another question, and stands upon principles entirely different. The Representation may be altered (*putting corruption wholly out of the question*), if in the opinion of the House of Commons, where alone changes ought to originate, it would be wise, or politic, to extend it: but, a change founded upon disfranchisement has no more connexion with that GENERAL principle, than the taking off a rotten branch from a tree is a reason for transplanting, or cutting it down. It is an act only of justice, or rather of necessity, since it is quite impossible that Parliament can be considered *as it ought to be*, if any of the sources of its authority are continued, after *proof* that they are *notoriously corrupt*. In the same manner, when, from the ancient constitution of a Borough, it has now become, to all intents and purposes, the property of an individual, *proof* of the seat being disposed of *for money*, ought to work an immediate forfeiture of the fran-

chise. If such rules were *inexorably* acted upon by the House of Commons, though it might not wholly prevent corruption, yet it would render the practice of it more dangerous, and would keep such transactions more out of the public view than they are at present, which would, *in itself*, be a great point gained for the public; as nothing can be more unfortunate than when attacks, *on these accounts*, are made *even within the walls of Parliament*, upon its title to trust and reverence; no *satisfactory* answer can be made to them, even though at the very moment, notwithstanding such defects in the forms of our ancient Constitution, the House of Commons may be most zealously and honorably devoting itself, which, I trust, it is, at this moment, to the fulfilment of its most momentous duties.

I have already, in the foregoing pages, delivered my opinion as to the expediency of a due consideration of the question of a more extended Representation; but, as *that* is a subject of greater difficulty and concerning which there are such diversities of opinion, it becomes the more important to seize the earliest opportunity of exalting the dignity and character of Parliament, which are, in other words, the dignity and character of the People.

A

LETTER

BY

THOMAS LORD ERSKINE,

TO

"AN ELECTOR OF WESTMINSTER,"

AUTHOR OF

"A REPLY

TO THE

'SHORT DEFENCE OF THE WHIGS.'"

A NEW EDITION.

LONDON:

1820.

"ELECTOR OF WESTMINSTER."

SIR,

HAVING been at a distance from London, during the late election for Westminster, and possessing no information but through the newspapers of what had passed during the contest, I was apprehensive, that, in the "Short Defence of the Whigs," which I had published, I might have over-stated the attacks so unexpectedly made upon them; but from your publication, now before me, I find, that the defamation I had assumed was correct, and that they were *then* charged, and now again by yourself, "as enemies to the freedom of the people, and as a profligate faction, that had abandoned the cause of Reform, which they had once solemnly pledged themselves to support;" charges, which you have undertaken to prove; and to prevent all misapprehension of the term Whig, you have applied the accusation "to the party who form the present Opposition, within and without the two Houses of Parliament; but more particularly to that in the House of Commons."

The manner, by which, even in the very next sentence, you attempt to qualify so new and hazardous a proposition, entitles you at all events, to my thanks, as I never was more diverted in my life with any thing I ever read. No person, you say, "at all acquainted with those, who compose this party, will hesitate to pronounce that individuals may be found among them, whose private characters are exemplary: I may there are, as well Tories as Whigs, who, individually considered, are most respectable as gentlemen and scholars; and the only matter for surprise is, that such men should be found acting in their respective parties, as if wisdom, honor, and honesty, formed no ingredients in their characters."

Here then, Sir, is a deliberate assertion, written, for any thing I know to the contrary, in the early part of the day, that independent men, respectable as gentlemen and scholars, are in the habitual course of acting in public contempt of honor, honesty, and wisdom. The best and wisest of mankind have undoubtedly been sometimes the victims of an overpowering temptation, and departed widely from their duties; but that men, whose private characters are acknowledged to be exemplary, and in the ingredients of which, honor, honesty, and wisdom, are admitted to be found, should nevertheless, and from no ignorance, *being gentlemen and scholars*, and from no sudden temptation, but uniformly, throughout the course of their lives, renounce, systematically, every thing connected with honor, honesty, and wisdom, is a proposition perfectly suited to the immediate context, and to almost the whole sequel of your work—it is much the same as if, after speaking of any other respectable body of gentlemen and scholars, to whom all the noble qualifications of honor, honesty, and wisdom were ascribed, you had concluded by lamenting, that they had nevertheless been unluckily addicted to picking pockets in the streets.

In your history of the late Election you are no less entertaining. The Whig faction, it seems, was prepared to appeal to the people in support of its fictitious character, by fraudulently pretending that it had been the cause of Mr. Hobhouse's return for Westminster, had that gentleman walked over the course. THIS WAS PREVENTED BY THE REPORT OF YOUR COMMITTEE. If the report of your committee had not deprived the faction of the means of deception, it would, through the press, and by the opportunity it has of addressing itself to the public in various ways, have made a merit of returning Mr. Hobhouse; it would have demanded of him an unqualified support of its party measures, and it would have branded him as an ungrateful, unprincipled apostate, had he opposed any of them, &c. &c. &c.

"The report, and the speech of Mr. Hobhouse, at once prevented the faction accomplishing either of those unworthy purposes."

Now nothing surely can be more amusing to every body, except, I should think, to the disappointed Mr. Hobhouse, than this notable account of the happy manner in which his own SCHEME AND PLEASURE OF THE COMMITTEE PREVENTED HIS WALKING OVER THE COURSE, and by which speech and report, he also lost his election. But what then? They were noble proofs of public spirit for which

you very properly take credit, as his defeat was not an unforeseen consequence of the report, and of his own eloquence, but a designed and laudable sacrifice to the interests of the public, of which you may now take joy, both from the public and myself.

You continue, Sir, in the same diverting strain, when you describe, and rejoice in, the consequence of this same speech and the report. You tell us, speaking of the party, "disappointment deprived it of reason—it could contain its rage no longer, and it precipitately plunged into a contest which has happily drawn upon it the attention of the whole body of the people, and has enabled a very large portion of them fully to appreciate its false pretensions." And you sum up the final consequence by saying, that *what the Tories had long had*, THE WHIGS HAD AT LAST OBTAINED—THE CONTEMPT OF THE PEOPLE.

So then, Sir, this same tavern meeting, and the Westminster election, had, when taken together, the surprising, or rather magical effect, of having drawn the attention of the people upon the Opposition in Parliament; showing them *that, according to you, they had not found out before*, that they were a despicable faction, deserving only public contempt. Now admitting, for the moment, that you have here given us a true description of the Whigs, it seems strange to me, that the pause in composing so long a sentence, so as to make it legible to the printer, should not have given you the opportunity of reflecting how extremely ridiculous it was to print and publish, that after a great number of persons of rank and property, *but without, it seems, either honor or honesty*, had contrived, for above a century, to impose upon the people, as men of public spirit and virtue, though all their acts were either matter of history or in living remembrance; they should yet be blown up at once into the air by a speech of Mr. Hobhouse, in Westminster, and the report of which you boast; when coupled with Mr. Lamb's becoming candidate for that very city, and receiving immediately afterwards the support of the electors to whom your pamphlet is addressed.

I can discover nothing, therefore, in this tavern meeting, or in the election that followed it, which should have deprived the Opposition in Parliament of its reason, as you have asserted, or have led them, in their "AGONY," as you afterwards describe it, to resort to "personal invective, abuse, and calumny." If disappointment, Sir, engenders such a temper, and leads to such unworthy personalities, it may better account for what you have written yourself.

For my own part, I have seen nothing published in support of Mr. Lamb, or of the Whigs, except the few pages by myself; written, certainly, in an *agony*; but of the *body* only, much too subdued for the harbor of angry passions; and I appeal to the public, whether a word can be found in them of anger or reproach.

In the next sentence, you begin to notice "a feeble effort in praise of the Whigs, *and of myself*." You had a clear right, Sir, to consider my effort, as feeble, but none at all to charge me with the indecorum of self-applause. It was left, on the contrary, to yourself, most courteously, to praise me (and for which I unaffectedly thank you), for my services on the memorable state trials: but so far was I from attracting the notice of the public to my own exertions, that it is notorious I became suspected of being the author, because, amidst the necessity of stating several important events, in which I had been personally active, I blended myself *throughout* with the Opposition party, without the least allusion to any merit of my part, or even occurring, except as seconding Lord Grey's motion in the House of Commons for the Reform of Parliament, and as having gone to the Old Bailey, not as a gentleman of my own, but impelled, as I expressed it, by the whole body of the Whigs.

You then go on to state what you presume to assert, were the means by which Mr. Lamb's seat for Westminster was procured. I shall take them one by one, in your own words, with this preface only, that the disgusting want of temper, and the indecent contempt for fact, which distinguish this exordium of your attack, make it almost unnecessary to take notice of the remaining parts.

I shall mark your text by inverted commas, which I have done from the beginning, and shall continue to do, that your reply to me may be the better understood, and the justice of it fairly examined.

BY A COALITION WITH THE TORIES AGAINST THE PEOPLE:

"*By a coalition with the very party, which, during the former election, supported Captain Maxwell against them.*"

Now, what coalition, Sir, you must be conscious, never existed, nor any motion towards it, nor is it possible there could have been the remotest approach to it, without its becoming perfectly notorious, and the parties to it no less so. Yet you did not attempt to name them, nor any of them, nor any one circumstance to give countenance to your assertion. The term *coalition* is so often in your mouth, that it has a

distinct and appropriate meaning, which cannot be explained away. Who, then, were the members of it? It is extremely probable, indeed, that several, perhaps many persons, who would rather have voted for Captain Maxwell, if he had stood again as a candidate, gave their votes for Mr. Lamb; but this may be easily accounted for, without the preposterous invention of a coalition. It must always be desirable, in the minds of enlightened men, whatever may be their sentiments concerning Ministers, or their measures, that there should be an Opposition party, if you choose so to call it; more especially when mainly made up of men of rank and property, who must always have a vital interest in the stability of the government, and in the prosperity of the country. Nothing, therefore, can be more likely, than when an attack, more especially so sudden and unexpected, was made upon such a body as I have described, and under the auspices of those, who, however honest and disinterested the bulk of them may be, were, for the most part, strangers to the higher classes of the electors, except by their meetings and publications to bring about a radical reform—nothing, I repeat, as the sentence is already too long, can be more natural, and therefore probable, than that men of similar stations with the persons so suddenly proscribed and vilified should be disposed to exert their influence to support them. For myself, I have no difficulty in avowing, though it should give rise to twenty pamphlets against me, that if I had been a member of his Majesty's Government, although I certainly should not have officially influenced the election, yet I would have given my own vote against Mr. Hobhouse, though I knew nothing personally against him; not because supported by Sir Francis Burdett, to whom I have before done justice, but by Sir Francis Burdett complaining so loudly of the public conduct of almost every man of rank or property in Parliament, whilst he himself was seeking, at the same moment, to reform that Parliament by those who were, for the greater part, unknown. Such a spontaneous union of opinion amongst individuals of different parties, might, for any thing I know, no can be interested in questioning, have been serviceable to Mr. Lamb; and, notwithstanding the prophecy at the end of your pamphlet, will, I have no doubt, upon every future election, be of still greater avail. Having said this, I repeat, that you have given no proof of a coalition, nor any kind of union, except the united opinions and feelings of independent and unconnected men.

I now go on to your other charges.

"By the power of their purse:" This, if it existed, will come

within the scope of your petition for avoiding the election, and must therefore depend upon the result.

"By terror—by promises—by threats—by compulsion:" You might as well have added, *by witchcraft*; as such a farrago of charges can be nothing at all without evidence to support them.

"By taking advantage of the poverty of the times, to seduce those they could not intimidate."

This is but a roundabout pompous way of charging bribery; and must also depend upon the proof under the petition that has been presented.

"By an alliance with the very refuse of society!"

This alliance did not at all appear upon the hustings, when Mr. Lamb was prevented by the rabble from being heard.

"But—as it is stated in your petition to the House of Commons"—and here you enumerate the charges it contains, which, for the same reason I pass over. You must be sensible that, in the mean time, they are entitled to no kind of answer.

Waiting, therefore, I suppose, until your witnesses can be assembled, you leave, for a while, all living offenders, and go back, *per saltum*, to the period of the Revolution, and tell me, that I had taken care not to acknowledge, THAT THE WHIGS HAD RENDERED THE BILL OF RIGHTS OF NO VALUE TO THE PEOPLE. *That I had not informed the public, that it was only a declaratory statute, in the nature of a preamble to other statutes, which statutes the Whigs took care should never be made; and that I had said nothing of the sessional, converted by them into triennial, and afterwards into septennial Parliaments.*

Did you expect from me, then, in an answer to calumnies at a tavern meeting, and on the hustings in Covent Garden, a history of England, commencing above a century ago? My complaint against those who had defamed the Whigs, was *this*, That, after acting in concert with them till very lately, and receiving the utmost support from their public spirit and talents, they had suddenly turned short round, deserted, and slandered them. *This*, I say, was the charge I made upon your party, and which your pamphlet was published to refute. —But how is it possible, Sir, that what passed soon after the Revolution, or for years following it, even supposing the free spirit of the Bill of Rights to have been departed from—*what*, I repeat, can any such delinquencies have to do with my complaint? Was not your party perfectly well acquainted with the statutes which passed at the time of the Revolution, and with the political events that followed them in the reigns

of William and Mary, and Queen Anne, and George the First, when they were acting with, and applauding the Whigs, *in the reign of George the Third?* If, in the instances you have related, near the period of the Revolution, the individuals then entrusted with the administration of the Government, to whatever class or party they belonged, departed, in any manner, from the principles which distinguished that auspicious æra, they dishonored themselves, and did injustice to their country; but, surely, their conduct could in no manner affect the characters of men in another generation, who combined to secure to the people the advantages of the Revolution. But to return again to my complaint. Why do you go back to remote periods, the histories of which are notorious, yet find fault with my silence concerning them? If you were resolved to weigh down, and stigmatise the Whig party of to-day with the sins of their forefathers above an hundred years ago, why did you not go farther back, and load them at once with the original sin of ADAM? If you had done that, I should only have had to ask you, whether your party belonged to any Bible Societies, and had read the Book of *Genesis*, when they applauded and acted with the Whigs? as I now ask, whether you had read *the history of your country?* If, from any acts of the Opposition party now existing, you could have made out a case for public reproach or censure, you should, in wise policy, have confined yourself to establish it, because the greater the antecedent purity of the Whigs, the greater would be any defection; whereas, according to your present history of their almost proverbial enormities, there could have been no defection in them at all; and instead of complaining of them for consenting to form the last administration with Lord Grenville, you should rather have attacked Lord Grenville himself, for having had any kind of intercourse with a party, whose principles had constantly been departed from, and whose duties had always been betrayed. Unfortunately for this line of argument, you had yourselves ranged under them, till lately, and extolled them, with full knowledge of all that you have condemned! AYE, THERE'S THE RUB.

You now advance to your favorite charge against the Whigs, on their abandonment of Parliamentary Reform, and in the following terms you begin the attack upon myself:—

"The noble Lord professes to be in favor of reform, and would seem to insinuate, *that he prefers the plan of the Friends of the People; but he presently declares,* 'That all the reform he seeks, is the disfranchisement of one or two rotten boroughs.'" And you afterwards, in a Postscript, written as in answer to

mine, not only in other words repeat the same thing, *but again assert, that my postscript in question was added,* "for the sole object of protecting the most infamous corruptions in the borough traffic."

Now believe me, Sir, when I unaffectedly assure you, that it is painful to me, as I may probably be writing to a gentleman, to be obliged to charge you with gross and wilful misrepresentation. If you had inserted my words, or their correct substance, *as I have uniformly done yours,* and had afterwards submitted to the public your own construction of them, however absurd or erroneous, you would *then* have been within the fair bounds of criticism; but when you sink the text, you ought to be perfectly sure, that it will bear but one construction, and that one your own. I shall not republish what is already before the public, to establish my charge; but I will prove it against you by adding what I am now writing as an appendix to what I have before written, that whoever reads them together may judge of your candor and justice. In the mean time, I may already appeal to above a thousand people, whether I did not, in the "Defence of the Whigs," most earnestly press upon the attention of Parliament, the great advantages that would instantly follow from a general change in the representation; introducing only the cases of Penryn and Barnstaple, and of boroughs in the hands of individuals convicted of corruption, as immediate favorable opportunities of reform upon a smaller scale, whilst the more difficult work, which I had before so strongly recommended, was maturing through the wishes and opinions of the people.

I have a similar charge to make against you, of gross and wilful misrepresentation, when you remark upon what I said concerning Lord Grey; where you also sink the text, in all its material parts. You say (I follow your own words), that it amounted only to this; "That his lordship is no longer a commoner, but a peer, and that he is not prepared at once to propose the same extended alteration in the representation of the people, as he had formerly proposed in the House of Commons."

It is thus, Sir, that you think proper to pass by almost the whole of what I had before written, though you were professing to publish a reply to it. It is thus you suppress all the difficulties I had enumerated, which ever since have disappointed the most distant hopes of effecting the reform recommended by the Friends of the People, and I fear, for a long time to come, any general reform whatsoever: but since you have thought proper so to misrepresent me, I now again repeat, in the face

of the whole public, speaking not only for Lord Grey, but for myself, that all farther exertions became, in our opinions, impracticable, if not mischievous, by the headlong proceedings of your radical and violent reformers. I deny that any of those proceedings which I alluded to, received example or countenance from ours, or that we ever published, as you have asserted, "resolutions, or a declaration, quite as licentious as any published by the British convention, or by either the constitutional or corresponding societies." Many of these publications were read in evidence, which, I said, were criminal and dangerous; but in nothing, as I think, more criminal and dangerous, than that they rendered the cause of reform unpopular and suspected; investing government with the most formidable means of crushing it, and which the late denunciation of so many persons of high rank (possessing great property and influence), which your pamphlet is published to circulate more widely, has most obviously contributed to confirm.

It is impossible to quit this subject, without taking some farther notice of your coarse, illiberal, and unfounded attack upon Lord Grey, though his character, both public and private, is too well established to require it; but I have already stated, that systematic calumny ought always to be resisted.

You tell us, "that his speech on the 13th of June, 1820, was an uncalled for declaration against all reform and all reformers." Lord Grey never made any such declaration. He spoke only against all such reforms as I have alluded to, and (if I may judge from your pamphlet) against all such reformers as yourself. You add, that, on the anniversary in memory of Mr. Fox, he had observed, "that he was not unwilling to say, he thought the House of Commons, *with all its imperfections on its head*, one of the best securities the people of this country ever had for the preservation of their freedom;" and you say, that *his subsequent speeches*, but without referring to them, *were of the same tenor*. Now, Sir, are these materials for immediately afterwards considering Lord Grey an apostate? You pick out a sentence from some report of a speech at a tavern, without context or sequel, yet which does in no respect bear you out in fixing any inconsistency on Lord Grey, without the grossest and most palpable misconstruction; since, how can a just and consolatory description of the House of Commons, as it exists at present, after honest endeavors to improve it, be any thing like a proof, that the noble Lord in question had abandoned even a wish for its improvement?

If in private life I were to speak of any body of men, with

all their imperfections on their heads, as the best security I had for any advantages I enjoyed under their dominion, would it be possible from thence to infer, that I was therefore contented *such imperfections should continue*, although I had employed every practicable effort for their removal?

As your concluding observation on the Reform of Parliament, and which concludes your pamphlet also, is founded upon a quotation from another speech of the same noble person, this may be the properest place for taking notice of it. "The time is come," you say, "when it is more than ever the duty of every man to adopt the recommendation of Mr. Grey, now Earl Grey, made by him in 1794, when in his place in the House of Commons, he said, 'This house will never reform itself, or destroy the corruption by which it is upheld, by any other means than those of the resolutions of THE PEOPLE, acting upon the prudence of the House,' and that point they could only accomplish by meeting in bodies as recommended by the minister (Pitt) in 1782."

I agreed entirely with Lord Grey in 1794, that a reform was not to be expected as a spontaneous act of the House of Commons, but could only be effected by resolutions of the people, acting upon the prudence of the House; and I agreed with him also, that meetings of the people for that wholesome purpose (which God forbid I should at any time seek to blame or discountenance), did *then* perhaps afford a rational prospect of effecting it; but I again desire to call your attention to those parts of the "Short Defence of the Whigs," which you have almost wholly kept out of sight, *viz.* the tumultuous meetings and alarming mass of publications that led to the state trials which I attended, and to others, on a smaller and less formidable scale, of the same unfortunate description, which, though I believe not to be wholly chargeable upon reformers, but upon a detestable gang of spies, who, taking advantage of their imprudence, excited and betrayed them, yet they undoubtedly most deeply affected the cause of reform, and will long continue to affect it. I appeal to the whole people of this land, whether all these circumstances, when regard is also had to the unexampled events which have convulsed the world since the time when Lord Grey delivered his opinion, and acted upon it, has not made the question of reform entirely a new one; as far, at all events, as the practicability of success may be expected, and surely, Sir, the practicability of succeeding in any object ought to be considered by every reasonable man, before he makes the attempt to accomplish it, much more when the failure might dangerously

increase the difficulties to be encountered, even at a more favorable period. Time, however, which is perpetually casting into oblivion the greatest differences, and the most alarming apprehensions amongst mankind, might by this time have brought back the subject of reform to its fair and just station in public opinion and feeling, had it not been for the continued and increasing prevalence of impracticable theories, and an excited spirit of irritation and discontent; dispositions not likely to advance a cause which ought to be distinguished by the coolness and calmness of those who become the advocates for great changes in states. I am, on these accounts, so far from expecting *at present* the same success from meetings of the people, as when Mr. Pitt and Lord Grey recommended them, that I fear the assembling them would, from the existing causes, without the utmost circumspection, be attended with greater difficulties, and the result be less prosperous than you seem to expect; and believe me, Sir, no man can more deeply regret this than myself.

Whilst the country was only divided as to the most useful plans of reform, and although very great multitudes might be of opinion, that even Universal Suffrage and Annual Parliaments were absolute rights of the people, which the legislature was bound to enact; yet I should still have thought the subject would in the end be considered with temperance and moderation, because the various classes of such a people as that of England, might have brought opinions and conduct to such a happy medium upon this momentous subject, as to have acted upon the prudence of Parliament, at no very distant period, with a favorable effect. But is this likely, Sir, at present, when almost every man of rank, station, or property, who ever auspiciated the cause of reform, has been proscribed and vilified? I give you credit for being the organ of your party, and ask you, therefore, since you have no doubt published its sentiments, whether the Whigs (a term of reproach which you yourself translate, and expressly apply to the present Opposition in Parliament, who, according to your pamphlet, are "*stinking in the nostrils of the country*,") can usefully join with you in effecting, *through that country*, either the Reform of Parliament, or any national object whatsoever.

After so great a portion of rank, property, and influence, is thus cut off from all possible usefulness in advancing the object which you seek to accomplish, who are to take the lead amongst you, upon Lord Grey's principle of acting upon the prudence of the House of Commons; and who are to co-operate to produce such a probable effect? I am not afraid, with

all your talent for misrepresentation, that you can successfully represent me as either unacquainted with, or unmindful of the inalienable rights of the people; but the mass of a people, when separated from those, who, from the accidents of human life, are distinguished by property, or the privileges arising out of the constitution of a state, can no more exist for their own freedom, security, and happiness, than the limbs of a human body can have human action when separated from the trunk. Do not suppose me to mean, that the Whigs are this trunk, as composing the great body of rank and property in Great Britain; though, *as connected with the cause of reform*, they are an important part; since you would find, I believe, the two Houses of Parliament, their families, dependents, and adherents, amongst whom you have not a man but the Whigs to reckon on, would be such a serious obstacle to the success of your exertions, as to lead you to reconsider, whether, from the very course you are yourself pursuing, the time was just arrived for carrying Lord Grey's honest and sound principle into probable effect. But (be the time at hand or distant), whenever petitions for reform shall approach Parliament, proceeding from the harmonious wishes of the various classes and degrees which can alone constitute a nation, and which, above all the nations of the earth, binds together as one and dead body, the inhabitants of Great Britain, I will venture to pledge my character, that the noble person, whom you have defined, would be among the foremost, or rather the very first to support them.

For myself, I will say nothing, since, after your having professed to have read what I had already written, you have nevertheless printed and published, that my sole object was to continue the infamous corruptions of the rotten boroughs; any farther declaration or profession would be useless.

Before I leave the subject of reform, I ought to notice the same spirit of misrepresentation, when speaking of other honorable men. You say, in your 25th and 26th pages, that the leaders of the Opposition, in 1817, naming particularly Mr. Brougham and the late Mr. Ponsonby, vilified all reformers, and even stimulated the minister to produce the acts, which they afterwards condemned; by which, every body must understand you to charge them with having urged the minister to suspend the Act of Habeas Corpus, to authorise arbitrary arrests, and to indemnify those who were guilty of them; but you knew the whole of this to be absolutely unfounded. Mr. Brougham did not vilify all reformers, but only most justly condemned and reprobated those who were

madly, ruining the cause of rational and practicable reformation; and the late Mr. Ponsonby did not "stimulate the minister to proceed against the people," with which you have slanderously attempted to load his lamented memory: he only considered the delay of proceeding against the disaffected, *by the ordinary course of the laws*, as pregnant with public danger; and no danger can certainly be more imminent, than when the ordinary laws are not in due season put in force; because such neglect can only lead to consequences which sometimes justify, but are oftener made the pretexts for general abridgments of the public freedom. A few well selected indictments for misdemeanors, in the beginning of those disorderly combinations, might have prevented them from ripening into more dangerous conspiracies, and have averted the sufferings of many innocent persons, which I lament as much as yourself.

You say, besides, that almost all the Whig party *came forward to disclaim Parliamentary Reform; and that I myself, who say I am as much devoted as ever to a Reform in Parliament, had said, that I did not then hold the opinions I did when I signed a paper for Parliamentary Reform.*

The truth of the first part of this charge I have already positively denied; and as to the expressions which you impute to me personally, they are not stated with sufficient precision, though in substance I am glad of the occasion to avow them to be true.

I never said, as in the *general* terms you refer to, that I had changed my opinions on the Reform of Parliament, which might imply, that I no longer considered any reform to be advisable or useful; a declaration which I never made, and a change of opinion which I utterly deny and disavow. I said, only, in nearly the same words as Lord Grey, that I should not now be disposed to adopt the whole of what had been formerly proposed by the Friends of the People; and there is one part of it which, though I once most strongly approved of, I should now reject upon maturer reflection, and from lessons since received, in events calculated to make a deep impression on all thinking men.

In that declaration (I speak only from memory, supported by your quotation from it now before me), the Friends of the People expressed themselves as follows: "To us it appears, that a new division of the country is indispensable, and that we should only cheat ourselves, and deceive the nation, if for the sake of a useless accommodation, we yielded to any project in which this condition was not included."

At present I should, though at the risk of my character,

which now, it seems, must attend the smallest change of opinion, be as strongly disposed to *exclude* this condition, as I was once desirous to *include it*; because it departs too much, and I think, without necessity, from the forms of our ancient government, and from the habits of the people as connected with it. I should now greatly prefer a close adherence to the ancient and legal divisions of the country; because, in opposition to visionary theories, I should wish the whole people constantly to feel, that the elective privileges, when enlarged by Parliament, to whatever classes extended, were, strictly speaking, improvements of our original constitution, and not the substitution of something entirely new. Differing in many things from Mr. Burke, in his eloquent reflections on the French Revolution, but particularly in their harshness towards an unhappy people, driven to abate, as a nuisance, a despotic government; yet great numbers of his remarks on the errors they committed, are full of the profoundest wisdom; and amongst the number I reckon that which condemned the new and geometrical division of France. "No man (he truly says) was ever attached, by a sense of pride, partiality, or real affection, to a description of square measurement. He never will glory in belonging to the chequer, No. 71, or to any other badge ticket. We begin our public affections in our families; we pass on to our neighbourhoods, and our habitual provincial connections. Such divisions of our country *as have been formed by habit*, and not by a sudden jerk of authority, endear us more to the whole, of which they are long established parts." There is great truth in this, and it applies far more to England, where we have so many proud recollections of freedom in our country, than ever belonged to France; and I should, on that account, rather wish to see well considered additions of county representations, and of populous towns, though never before represented, than the carving out the country in the manner to which I was formerly a party; neither am I sure that I should now be prepared, were I a member of the House of Commons, to adopt so near an approach to universal suffrage as that declaration recommended, whilst its supporters lie so close behind me to batter down my proposition, by the larger claim of an unqualified right. Those adversaries had then no formidable force.

The prevailing sentiment amongst men whose influences are more likely than any thing I know, to bring about some change in the representation, is *this*:—That the alteration should not be such as to change *the character of Parliament*; but that such an extension should be enacted as would create a fair,

just, and constantly operative balance against the increased influence of the crown. As the House of Commons is even *now* constituted, the voice of the people has always prevailed in the end; but not in sufficient time to have averted many great national calamities.—This is the real, substantial, and *unanswerable* argument for reformation; since of what use would be the most powerful and certain regulator of a time-piece, if it could not insensibly and perpetually affect its motions, but could only set them to rights after a great and palpable aberration; whilst, in the mean time, the reckonings of seamen might be lost, and shipwrecks have overwhelmed them in the deep?

Lest any man should be disposed to consider what I have written as manifesting a coldness on this momentous subject, I shall conclude it by solemnly declaring my conscientious and unalterable conviction, that the greatest obstruction to the fair and impartial consideration of it, both in and out of Parliament, has been owing to the extreme opinions which I have condemned.

Prepared, as I must have been, before I reached your last page, for the continuation of either designed or most careless misrepresentations, yet I could scarcely believe my eyes when I read, as a kind of charge against the Opposition party, whom I had been defending, that I had said nothing about the Corn Bill, which originated with them, and was passed principally for their convenience.

I wish I could with propriety have suffered this to pass uncontradicted, because the act, even as it passed, is beneficial, but would be advantageous in a much higher degree, if it became more obnoxious to the ignorant, by raising the prohibitory scale still higher against foreign importations. I perfectly agree with Mr. Western, when you only stated when you intended to expose him, that the petitions of the people ought to go for nothing, when they ask what is ruinous to themselves, and that they might as well have petitioned for the abolition of their liberties, as for the abandonment of the measure then under the consideration of the House of Commons. It was well observed there by Mr. Holme Sumner, on presenting a petition only a few days before the late recess, as I collect from the newspapers; *that a necessitous clamour for cheap bread, by the encouragement of foreign importers, would soon deprive the people of bread at all*: and what can be more MANIFESTLY TRUE? The distresses of the multitude arise principally from not being able to find employment; and if the occupiers of the soil, *even without rent*, can hardly support their families by its

cultivation under such burthens of taxation, whilst speculative purchasers from growers abroad may undersell them; how can they possibly employ the poor upon such wages as will maintain them without parish relief? and falling upon their parishes, as they have done, the Poor's Rates have already almost ruined the whole agricultural world.[1] His Majesty's present Ministers conducted themselves with great spirit and judgment, when they resisted the original clamor against this statute; and I hope they will not relax in that statesmanlike demeanor, if they shall be convinced that they have fallen short in giving protecting effect to the sound principle of a limited and cautious importation—They may be assured, that no schemes for the sustentation of the poor, however judicious, will be attended with any material relief to the country, until we shut our ports, *by a higher scale than we have adopted.*

All this, however, is quite beside the question, since it is notorious, that the Opposition were not the authors of this act; and I can in no other way account for your having assumed it, than that you knew it to be highly unpopular amongst the uninformed orders of the people; because the whole principle and enactments of the bill were opposed and condemned both by Lord Grenville and Lord Grey. I was in the House of Lords upon the second reading, and voted for it, but took no share in the debate: indeed, when I listened, as it was impossible not to listen, to such able and powerful speakers, I was absorbed in the contemplation of *how fearfully and wonderfully* both in mind and body, *we are made*; when two such accomplished statesmen could possibly believe, that the honest, simple minded, industrious cultivators of our country, buried almost in the earth they cultivate, by the crushing weight of taxes, could possibly meet, without certain ruin, whole bodies of interested, adroit, and moneyed speculators in the home and foreign markets, when let loose upon them by the adoption of a free trade; most politic, it is true, in its *general* acceptation, but misapplied when extended to such an anomalous subject.

I dare say, that neither of those two noble Lords ever expected to be, nevertheless, charged by the adversaries of the Corn Bill with having *originated its enactment principally for their convenience*; though against this, it is now plain they could not be secure, since they are quite as guilty of it, as of any of the charges you have preferred against the Whigs.

In your 27th page you still continue to trespass upon the

[1] To the admirable Report of the Committee of the House of Commons on this subject, drawn up by Mr. Sturges Bourne.

fact, where you say that I had occupied nearly the whole of the 19th page of mine, with an endeavour to show, "that the Electors of Westminster are too ignorant to be able to consider the claims of candidates to distinction and preference;" and then affecting, by inverted commas, to quote my very words, you go on, beginning with the word "THEY," which, according to your garbled quotation, would be *the Electors of Westminster*, making me of course to have said, that "THEY," "THE ELECTORS OF WESTMINSTER," "may fairly repose in the wishes of their benefactors, their employers, and friends; and it is not corruption in enlightened men, who can see clearly the interests of their country, to use their influence with persons less qualified to investigate those subjects."

These were undoubtedly my very words; but when you composed this sentence, partly made up of extracts from what I had written, you must have been quite conscious that you were grossly misrepresenting me, and that you were endeavoring to make the public believe, that I had considered *the whole body* of the Electors of Westminster as incapable of considering the claims of candidates to their preference; and you must have introduced the word "THEY," to express that I had so written, WHEN KNOWING THAT I HAD NOT. On referring to my text, it will be seen, that, in consequence of complaints on the hustings, of an undue influence, exercised, I had stated only as a *general* observation, applying alike to all popular elections, that it could not always happen that every man paying the public taxes, might alike be asked leisure to consider the claims of candidates to distinction and preference, and that *such persons* might fairly [illegible] the opinions, and repose in the wishes of their friends, in the manner you have copied from what I wrote; but I added, "that it was an influence which always did, and always must, as it is popular elections, unless it should please God completely to recast the nature and [illegible]."

It is impossible, therefore, that the most careless reader could apply my observations to *the whole body* of the Electors of Westminster. But I have a much heavier charge to make against you, because I concluded the very sentence by observing, "that if, upon the date election, [illegible] had been exerted which the law prohibited, I hoped they would be detected and punished, and the return set aside;" yet, with this conclusion lying before you, which could not have escaped your notice, when writing, and about to publish a Reply, you have had the presumption to make me the author of a "STRICT RECOMMENDATION" (I copy your own words) to the

one to buy, and the other to sell his vote—this RECOMMENDATION of the influence of terror—this recommendation to the one to suborn the perjurer, and to the other to commit the perjury—comes from a person," which could mean only myself, who calls himself a Parliamentary Reformer.

Believe me, Sir, I feel no resentment for this most harmless accusation—You are altogether a stranger to me, and I am far from wishing to believe, that, in the common concerns of life, you would be guilty of such a disgusting departure from every principle of justice. Perhaps, if I knew you, I might regard you as a private man, and find that you had only been transported by political zeal, and the antipathies it sometimes generates, to forget all the rules of fair criticism; and that embarrassed by the difficulty of answering what admitted of no answer, you were hurried beyond yourself into frequent departures, even from the text which you had pledged yourself to refute.

The last attack which you make upon the Opposition party in Parliament, except as to the Grenville Administration, which I shall take notice of hereafter, is what you term "their late combination under their new leader, Mr. George Sierney," which you follow up with coarse and vulgar remarks upon a gentleman, most probably unknown to you, and who could not, therefore, have given you personal offence. I should have been sorry if this senseless tirade had been suppressed, as it shows so completely that intemperate spirit, which you cannot even for a moment subdue.

I believe there is no sentiment more universal, than that an organized Opposition in Parliament, even to the most justly popular Administration, is a great security to good government, more especially since the executive part of it has been so much carried on in the House of Commons; and it is *ex his* [illegible] *manifest*, that a desultory attendance of the honestest and most enlightened men would be of no use to the people whatsoever. The details which belong to the various measures of the State, have now become so complicated and extensive, as to require the most uninterrupted diligent consideration, and almost as methodical a presentment of them to the attention of the House, as are necessary in judicial proceedings. There has therefore been for many years past, and with great advantage to the public, a leader of the Opposition in the House of Commons. In the time of Mr. Fox, no formal choice was, I believe, made; that great man, from the superiority of his talents, stept at once into his place, with the same universal and silent assent as the elements take their

stations in the natural world. After his death he was at once, and without any formal choice, succeeded most ably by Mr. Grey, till called up to the House of Lords by his father's death, when it was agreed that it should be filled by my late lamented friend Mr. Ponsonby, whom I knew and regarded before the beginning of my public life.[1] During all this period did any of your party ever complain of this course of proceeding as mischievous or useless to the public? Your objection, therefore, and bitterness of remark, can be personal only as it regards the succession of Mr. Tierney, of whom you must be taken to know nothing, if, meaning fairly, you speak of him as you do; but it is your system *throughout*, to confer principles and faculties to be despised, upon those whom it is your purpose to defame. If the members of the Opposition had chosen any one of the men of high rank who act with them in Parliament, you would then, no doubt, have been open-mouthed against the aristocratical faction, and have represented him as a driveller, even if, like the apostles, he had possessed the gift of tongues; but when, by fixing upon a private gentleman, not allied, that I know of, to any of the great families, that objection did not exist, the party is to be set down as degenerated and lost.

Mr. Tierney's capacity to fill the station which he was so generally invited to accept, must, I should think, be much better known to those who had long acted with him in Parliament, than to the writer of any anonymous pamphlet, taking all the chances of whoever he might be. I have very long known Mr. Tierney myself, and feel no difficulty in saying, that I think the choice was most judicious; he is profoundly qualified to deal with all financial questions, the most difficult and momentous that can occur in Parliament. He is a man glue of popular manners, of very general knowledge, of unwearied application, and an able and interesting speaker. The ill-bred recourse to what this gentleman is supposed in the playfulness of his mind to have said, and in the circle, if it ever happened, of his intimate friends, concerning *his being too poor to be out of place*, is, for your ill-natured purpose, most unhappily introduced, since it gives me the opportunity of remarking, that he has been out of place nearly all his life; and nobody can doubt, that he might have had public employments if he had been desirous to accept them.

Your remarks upon the formation of the last Administration are obviously dictated by the same intemperate spirit; they

[1] I was at Trinity College, Cambridge, with Mr. Ponsonby.

are not grave, reasoned objections to principles of conduct, but an inflamed attack, more fit to be addressed to a mob than to enlightened and dispassionate men. Taking no notice of even a word I had said in justification of that political union, which, if vulnerable, you might in fair argument have replied to, you at once most unjustifiably assert (*knowing nothing at all of the matter*), "that we bowed down under the people's adversaries, and submitted to be picked out man by man by Lord Grenville," which is totally unfounded. For myself, Sir, I answer, that I was not so picked out, as you vulgarly term it, but was thought worthy, by Mr. Fox, to be placed at the head of my profession, accompanying him as I had done throughout his illustrious life. This would be to me a sufficient justification through all ages, if my name could continue; as in the histories of this great statesman and honest man hereafter, what readers will ever take your pamphlet into the account? The oblivion, indeed, that attends those who are not worthy to be remembered, is seldom sufficiently estimated by those whom they defame: if Pope had not written his Dunciad, he might already have passed for a poet above the lash of criticism, since nobody, at this day, would ever have heard of the reptiles that stung him, if he had not preserved their mummies in the museum of his wit. I think it right, however, to re-affirm, that the Administration in question was formed in the manner I before stated, upon a principle of mutual trust and confidence, to pursue the best and safest course for the public security and prosperity at a very critical period. It was formed by men of honor, who had indeed materially differed; but upon subjects which had then passed away. The great national objects that had occasioned their differences were then completely terminated, by events on the continent, and which nothing but Bonaparte's return to France from the Isle of Elba could have revived; a circumstance so unlooked for, that when memory turns back to that period, it seems more like a dream than part of the history of the world; but when the revolution, which immediately followed it, became again a subject of consideration for British statesmen, Lord Grey, whom you so unjustly attack for abandoning his opinions, immediately took the lead in direct opposition to Lord Grenville, though we had been all acting together *till that moment*, notwithstanding the Administration was dissolved. Lord Grey, indeed, following the dictates of his honest sentiments, when he objected to our renewed resistance to this extraordinary order of things, went even farther than firmness or consistency demanded, because there was a fair prospect of overpowering it, and a mighty interest depending upon our

success; he however persevered in his opposition, though he must naturally and anxiously have wished, that but one opinion should prevail amongst those, who had so recently acted together as ministers; a sufficient proof (one would think) that no principles were compromised, when the Administration was formed; since they were again avowed, and again acted upon, the instant that subjects arose on which they could attach.—So much so, that there can be no doubt, if the ministry had still continued, it must, by the separation of its members upon a point so vital to the public interests, have been very soon dissolved; since the matter was pushed by Lord Grey to a division of the House of Lords.

In that division I was myself counted against him, although nobody can imagine, if personal considerations could have weighed with me in Parliament, that I should have divided with Lord Grenville, in opposition to all my friends, with whom I had uniformly acted. My reasons for that vote may be summed up in almost a word—I thought, that after so long and prescriptive a resistance to Napoleon, his return to power and dominion, *even at our very doors*, was imminently perilous, and that the chances were in our favor for the termination of all hostilities in Europe, which, though unjust and impolitic in the outset, had become in the end necessary, and therefore justifiable for the preservation of nations, formerly, in my opinion, misgoverned; but whose misgovernment, without our maintaining the original confederacy at so critical a period, might have deeply affected the prosperity of our country. This was not denied; the doubt being on the *probability of success*, and the *worse consequences* of a protracted war, with an eventual failure in the object for which it was renewed.—This created the difference of opinion; and it is but fair to say, that the triumph of Waterloo could not be confidently anticipated.—Had that immortal contest been adversely decided, I might have been driven, perhaps, to wish that my vote had been different, and that the question had been otherwise decided.

I make no apology for this digression, which became necessary from your own injustice.—You began by painting Lord Grenville in your own dark colors, falsely representing him as a person with whom no honest public men, who had differed from him, ought to hold communion; whereas we always viewed him as a man of honor and talents, but who, on several occasions, and more particularly throughout the unexampled conjunctures of the French revolution, had mistaken, in our opinions, the interests of his country. Whilst such differences therefore existed, we maintained no political con-

section, but uniformly opposed him, and all who acted with him; but when the subjects in difference appeared to all the world to be terminated, we then saw no objection to the formation of that Administration which you unreasonably condemn: yet when the same principles of division, *by unforeseen events*, again came into action, they produced the same separation, which continued during the proceedings in 1817, when we thought the liberties of the people were invaded.

I am not in the least afraid to trust this plain answer to your inflamed complaint to the good sense and candor of the public.

Nothing, indeed, can be more unreasonable than to lay it down as a general proposition, that those, who have differed in Parliament, though for a long season, and on subjects of the greatest national importance, ought never afterwards to unite for the service of their country, although the subjects in difference have gone by. I cannot figure to myself an objection more repugnant to the public interests, or to the characteristic of a British Parliament. It is a most fortunate circumstance, that our debates, however vehement, engender no malignant passions: if the rules of decency are grossly overstepped, it is settled, as between men of honor; but even in these cases, it is the very genius of that high assembly to compose all personal quarrels, and political hostilities, though connected with the exclusive enjoyment of emoluments and dignities, very rarely disturb the intercourses, or even the kindnesses of private life. God forbid, that so beautiful a feature of our public councils should be disfigured, by branding reconciliation as criminal, when no principles are sacrificed, nor the prosperity of the people overlooked. It was for you to have shown this sacrifice, by proof, or fair expectation, that we could have carried measures of our own by a sole administration, which were frustrated by the union you condemn. The expediency of a Reform of Parliament was the only subject (as I formerly stated) which was likely to have divided that Cabinet; but which for the reasons I have given you, there was *no chance whatever*, that the House of Commons would have yielded at present to any Minister, however popular or powerful; and a large majority against it, on a division, when supported by all the influence of the Crown, would only have operated as an additional and dangerous pledge of resistance to it, though in times more favorable for its success.

These, Sir, are my sentiments upon a subject which can no longer personally affect me. I am too near the end of my life to be ever again a candidate for office, under any administration; and I persuade myself, that you will not easily succeed in

your attempts to represent me as an apostate, forgetful of the triumph you remind me of in the *benediction* of the people, without any possible motive for betraying them, or temptation to dishonor *myself*.

With regard to the measures which you attack so vehemently, I do not think it necessary, nor would it be decent, in an answer to a pamphlet, to enter into a detail of all the different sets of an administration, in which I was a member of the Cabinet, as if we were impeached in Parliament for breaches of our duty. I know and feel, at the same time, what is due both to the public and to ourselves; and I shall, therefore, shortly advert to your clamorous complaints.

You have confined your observations to the measures you condemn, and have written them near the time when they were proposed to be carried into effect, every man who collects the freedom of the press and the constitution of the country, will have read them with attention; and though you might have been mistaken in your opinions, yet no censure ought to have followed, because the public is interested in the most free and active scrutinies into the exercise of national trusts; but when your patriotism suddenly starts up, after a twelve years' silence, though the public can derive no benefit from your remarks, and when you huddle together, without the detailed form of accusation, the measures of two sessions, sanctioned so long ago by the authority of Parliament, and continued till now without your complaint, you ought rather to be considered as a libeller, than as an accuser to be answered by a defence.

With regard to Mr. Pitt, you deal with his memory as with the living character of Lord Grenville, only falsely employing your pencil, instead of blackening it with your own. We thought the measures of that departed minister, for a long time, most dangerous, and uniformly maintained them to be so, particularly through all the periods of the French revolution; but we never attempted to load him with *personal infamy or dishonor*; and when, at his death, it manifestly appeared, that he had been an incorrupt, though, in our opinion, a mistaken servant of the public; and when, in this last respect, we ourselves were outnumbered by an immense majority in Parliament, who thought that his services had been most important to the public, and proposed the payment of his debts, Mr. Fox, whose bold and intrepid public spirit was tempered with the utmost gentleness, ingenuousness, and noble simplicity of character, concurred with the adversaries of his opinions, though it might appear to give a color against his own, rather than keep up, beyond the grave, political animosities and contentions, the very remembrance of whatever in

his own benevolent mind, had already been blotted out for ever. Let it also be recollected, that Mr. Pitt was the son of the great Earl of Chatham, who had a right to expect to be still living in the feelings of this country.

When the contrast of this vote is at the same time taken into consideration, and that it was the unanimous vote of Parliament, let it be decided by the public, whether it was spleen, or public spirit, which dictated the expression, when you charged Mr. Fox and the Opposition *with treacherously and basely betraying their own cause, and with an inhuman extortion of the substance of the people.*

You charge us "with having made Lord Grenville the auditor of his own accounts!" as if it had been a constant contrivance to enable him to defraud the revenue, which you have to be totally unfounded. Lord Grenville had been the Auditor of the Exchequer, as the reward of public services, very long before the period of the Administration in question. When it was thought advantageous to the government of the country, that he should be placed at the head of the Treasury, was it either fair or reasonable, that he should be deprived of an office held *for life*, when his emoluments, taken together, after his appointment to the Treasury, were not greater than ought to belong to the Prime Minister of the British Empire? An arrangement was therefore made for the substitution of an equally secure and responsible audit for the public accounts, *subject in no manner to his control.*

Clamors of such descriptions may pass at the moment, and perhaps have their uses in a free country, though soon lost, without due knowledge or consideration, by awakening public attention to government, and reminding those who govern, that it is a trust.—But to keep up, and much more to renew such a prejudice, when all the facts are known, and the false reports extinguished, is what I would rather have to impute to you, than to answer for *myself*.

The admission of Lord Ellenborough into the Cabinet (if blame can be attached to it), applies so much more to myself than to any member of the Administration, that I ought not to pass it over in silence; as of all others, I ought certainly to have been the most jealous of any departure from that sacred principle of judicial independence, which is the greatest security to the public freedom. Such an appointment, therefore, it was your privilege to question; but your objection would have come with more force, if you had discussed it with decency and temper; because, however I may be considered responsible in my character for my share in this transaction, you could not easily expect, after my past life, to convict me

by a dash of your pen, in the judgment of my country, of a manifest hatred of liberty—the hatred of a free press; the endeavour to destroy both; the taking strides towards arbitrary power," &c. &c. I have only turned your own words into the singular number, that I might take the whole offence upon myself.

I am not aware that there is any legal distinction between the *general* Privy Council, and the *select* Cabinet Council of the King. When the matter was debated in the House of Lords, it could not be shown that there was any to be found; and Lord Ellenborough was already a Privy Counsellor, summoned and consulted, as all Chief Justices of the King's Bench, and sometimes of the Common Pleas also, had been for many years past, regarding prosecutions for treason, and other offences against the safety of the State. His introduction, therefore, into the Cabinet, could not place him in the respect you complain of, in any new situation; since State prosecutions, as I have just observed, are often considered in the Privy Council, but not in the Cabinet, which, as a matter of course, would refer such questions to that tribunal where the law officers of the Crown are in attendance, and in which Chief Justices, as members of it, have for more than a century, on many such occasions, been consulted. Had this not been established by such a long and uninterrupted usage, with the full knowledge of, and, in some cases, with the participation of Parliament, Lord Ellenborough could never have been proposed as a member of the Cabinet; and if he had, it would have been most especially for myself, above all others, to have objected to it, and rather to have resigned my office than have submitted to his introduction.—But a distinction between the Privy Council and the Cabinet, in any thing connected with the independence of the judicial functions, never even occurred to me, nor to Lord Ellenborough himself, though a very able and learned man, yet whose character would have been still more involved in the acceptance of an inconsistent situation, conferring besides neither emolument nor dignity, beyond those of his already exalted station, but only adding to its almost intolerable burthens, which have lately carried him to the grave.

But however the appointment may be completely justified, I wish, for my own part, that Judges could have been always kept at a distance from every thing connected with the Court, or with any council of the King—an exclusion, however, which could not well have been adopted, since eminent Judges had been often raised to the peerage in the best times of the Constitution; and although objections might, perhaps, be

raised to that practice also, yet it ought, at the same time, to be remembered, that the dignity of the law is a great security to the subject; and that, if the road were not open for its professors, to the highest honors of the State, it might not be easy to secure a succession of talents and learning, such as have long distinguished our courts of justice, exalting the character of our country, and its jurisprudence, throughout the whole civilized world.

It is true that we opposed the Income Tax, even as a War Tax, when it was first proposed in Parliament, because we thought its principle oppressive and dangerous, exposing, as it did, the private concerns of individuals, in a manner not consistent with the free spirit of our Government. We always thought so, and we think so still, but Parliament nevertheless thought fit to establish it; and when we came into office the disclosures had been made, and all the numerous, extensive and complicated details connected with that new system of taxation, had been carried into active effect, supplying, to a considerable extent, other sources of revenue, which otherwise must have been immediately looked to. Every considerate and dispassionate person must, I apprehend, be disposed to admit, that it was not easy at once, or during our short continuance in office, to quit that great revenue, however objectionable, in the outset, or *long continuance*, when the resources of the country were almost giving way under the pressure of a war, to which, at that period, it was difficult to foresee any safe or probable termination.—So circumstanced, it was thought justifiable to continue for a season that unpopular tax; and being continued, it became necessary, either to square it with the exigencies of the State, or instantly to impose other taxes, which it required the utmost consideration to mature. This was our situation, and we expect credit from our characters, that we should not have continued it in peace, or even in war, against objections so justly raised up against it. There is a great and striking difference between the resistance to a proposed measure of that complex description, and its abrogation when adopted; and this ought to be seriously considered by all governments, when great changes of any kind are contemplated; because a return to the original position, when they prove unsuccessful, is sometimes difficult, seldom *suddenly* practicable; and in nothing less *suddenly*, than when alterations are made in systems of finance; a truth, which is illustrated at this very moment by the delay on the subject of the Bank, though the Bank itself is not adverse, and though all parties seem desirous to return to the precious metals, so long abandoned for a paper circulation.

This observation applies so obviously to the continuance of the Bank Restriction, which you also complain of, that it would be a tiresome repetition to notice it. We opposed the original measure, as a dangerous departure from the principles of public credit; but after its adoption by Parliament for so long a period, it could not, for the reason I have just given you, and which is now universally acknowledged, be put an end to at once by an immediate *repeal* of the act; and you seem constantly to forget the short continuance of our power, and how it was almost reduced to nothing, by the fatal illness of Mr. Fox. It could not have been fit, during that unhappy period, *unless under the most pressing necessities*, to alter what we found established, and have restored to immediate *untried* substitutions, merely for the support of our original objections, while we were deprived of the assistance of that able statesman, who we were in anxious hope would be restored to us, but which it pleased the Divine Providence to disappoint.

The same answer so manifestly applies to several of your other charges, that I shall take them out of their order on that account. How, for instance, when foreign troops had been introduced by our predecessors for the defence of the country, though against our opinions, could we forbear to legalize them, and to apportion their numbers to the exigencies of our defence at so critical a period of the war? Could we have suddenly disbanded them, without the time necessary for a more constitutional substitution of force? Common sense must revolt at such an accusation; and it is almost a useless repetition to give the same answer to your complaint against the Barrack System. We objected to it when first proposed in Parliament; but the measure having been carried before we came into office, the barracks having been built or purchased, and the troops throughout England stationed in them, could we, at the very time when the enemy might have invaded us, and during our short continuance in office, or with the interruptions just stated, have changed the whole system of military arrangement, however we might originally disapprove it? Nor can I see how our having been placed, for a reason, in the situation I have described, ought to have had the effect of altering our original opinions, when circumstances were entirely altered.

You assert, that "we commenced the Orders in Council," which so deeply affected our commerce and manufactures, and refer for proof to the Parliamentary Debates—I refer to the same *to disprove it*. I speak with confidence, because I myself brought the whole subject before the House of Lords, after the administration was dissolved—I might be mistaken in my reasons for condemning them; and the Minister, who made

them, might be in the right: but I am not afraid of being successfully stultified as having been one of the authors of a measure quite notorious, and, in only a few months afterwards, of having spoken publicly, for two hours and upwards, in its distinct and unqualified reprobation.

With regard to Lord Wellesley's administration in India, from the very nature of so distant and extensive a government, at all times a complicated question, it might have been most conscientiously considered by Mr. Fox, and some who acted with him, as a proper subject of inquiry; but when the consequences of his system were afterwards developed and understood, I feel no difficulty in declaring my opinion, that he deserved the warmest thanks of his country; and even at the time when we were in office, had there been any proposition for an inquiry, I should have firmly and strenuously opposed it.

Your complaint against Sinecures is made in such indecent language, that I decline to reply to it otherwise than by telling you, that I myself am one of those who think, or rather who know, that a sinecure office, until abolished by Parliament, is as much a man's property as his freehold; and I farther think, that his Majesty's present Ministers mistook a little the character of our monarchy, when they lately gave way on that subject, and consented that several of them, and of very old standing, should be abolished. I said so, and voted against the measure in the House of Lords. As part of a system of economy, the abolition was just nothing; and an ancient prerogative of the crown, for the occasional support of rank, and to reward public service, ought not, in my opinion, to have been touched. You do not say that those offices were multiplied in our time; and if they were not multiplied, they must, of course, whilst they existed, have been filled up. Is it not, then, most contemptible to apply the odious terms of "rave-pensioners and bloodsucking," to the mere preference given, from immemorial time, by all Ministers, to those by whom the Government is supported. You extend this charge to other offices, and refer to your Appendix to prove, that "hungry sycophants were crammed with the public money," although it was only the addition to an office, which from its duties required enlargement; and the principal persons, who are to be found in your own printed copy of the members, are amongst the most respectable men that, in my large acquaintance, I ever knew.

All the Opposition, except Lord Lauderdale and myself, were of a different opinion.

From the manner in which you introduce the tax of ten per cent. on widows and orphans, and on soldiers and sailors, exempting from it, at the same time, the property of the King, I took it for granted *that some distinct act* of that description had been passed, whilst we were in office; whereas I find, upon examination, that it was only the *general* consequence of the increase in the property tax already adverted to; applicable alike to all persons whatsoever, no exceptions having been ever made beyond the property of the King, which always before had been exempted. How strange it is, then, that on every subject which you touch, you should be uniformly governed by an unjust and partial disposition.

The same observation applies equally to the charge, that "we drew the Bill to confine the people of Ireland to their houses, from sun-set to sun-rise, under pain of MILITARY EXECUTION." This also, when *purposely unexplained*, appears like an original act of ours, oppressive to the inhabitants of that country, of which it is the very wantonness of injustice to accuse us.—I shall not enter here into the painful condition of governments, when countries are in a state of disturbance, nor either justify or condemn the penal laws which were in force in Ireland before our time; but nothing can be more notorious, than that we were always on the side of measures of conciliation: the fact is *this*, the Irish Insurrection Act, established by our predecessors, being about to expire, and which called, of course, for a renewal or modification, a draft of this law, much modified, was prepared and sent over; but not being then finally approved of by the Irish Government, much less by the Cabinet in England, *we had never seen it when the question was agitated in the House of Commons by our successors.* In saying this, I do not mean to enter into the merits of the proposition; though if it came from the Duke of Bedford, then in Ireland, and the late Mr. Elliott, the presumption was strongly in its favor, from their tried and distinguished talents as statesmen, united with the utmost mildness and gentleness of disposition; qualifications which could not deliver the last, though unhappily lost to his country, from an insinuation of reproach.

In the charge you make of having increased the incomes of the Princes, the sons of the King, you allege no inconsistency, but only express an opinion that it was wrong; or rather assume, *as usual*, that it must be so, when you have been pleased to condemn it.—I do not know what money his Majesty possesses in the funds; but *this* I know, that it is not a proper style, to express it to have been "unnecessarily wrung from the people." No man laments more than I do the im-

mense burthens of taxation; but they have not been imposed, in any proportion for complaint, to support the monarchy at home; but on the account of unfortunate wars, more or less incident to all great empires, for I will not now enter upon their necessity, or policy, concerning which my opinion is well known.

His Majesty's property, whatever it may amount to, has arisen from what was freely granted by the people, through the medium of Parliament, for the support of the throne; and when you tell us, "we would have persuaded the people, the King was himself too poor to provide for his children," I answer, that the King is not to be considered as a subject in that respect; his children being the children of the State. From the times we live in, as well as from the numbers of the Royal Family, their provision must necessarily become more onerous; and I think, that, in increasing them, the House of Commons has been cautiously and very closely circumspect. It would be presumptuous in me to say more. As to the Droits of the Admiralty, they belong to the King, and the appropriation you complain of was not only legal, but gave a fund for removing incumbrances, which his Majesty had a right so to discharge.

The grants in question, besides, are not like those for foreign wars or subsidies; they return, in a manner, to the people, by their immediate circulation, even on the very spot from whence they issue; and the deportment of the Royal Dukes is not only amiable and becoming, as subjects, however exalted, of a free country, but the best of our national charities have been most usefully encouraged and advanced by their high and liberal examples.

I ought not, perhaps, to pass unnoticed, though it is not at all material, except to show, that you are, as usual, incorrect in the fact when you say that Pitt had refused the additions before mentioned, which, on the contrary, he had promised to recommend, as was stated by Mr. Rose, in the House of Commons; and the only alteration made by the measure you question, was to combine a reduction in the tables in the palaces, which had become liable to abuse, and by which savings were made to a very considerable amount.

Your introduction, therefore, of this subject, at so distant a period, when the incomes of the Princes have very recently been augmented, of which you take no notice whatsoever, serves only to discover the same unjust and peevish spirit which so disgustingly distinguishes almost every sentence you have written.

As you have not accused us of any corrupt misapplication

of the public money (which, considering your other charges, I rather wonder at), it cannot be expected, that at this distance of time I should now enter into all the details of the assessed, or other taxes, which, during the pressure of the war, might call for an increase; nor shall I enter at all into the policy of resorting for taxation to iron mines, or other raw produce of the country, as you are pleased to term it, which have not yet been carried into effect, but which, in the present state of things, may deserve the serious consideration of Parliament and the public.

The demoralizing nature of the Excise Laws, which you also dwell upon, and all other objections belonging to them, have been so long acquiesced in, and the revenue has leaned upon them so long for its support, that I wonder you should have declaimed, on such a topic, against the Whigs *now living;* more especially as you yourself, in your tenth page, had before charged their introduction, and "as they now exist" (copy your own words), upon the Whigs of about a century ago; and there never since, I believe, has existed an administration, in which they have not been increased. The only color, therefore, for the paragraph which immediately follows, was the introduction of a Bill into the House of Commons for raising a duty from private breweries, which, upon re-consideration, or perhaps from ill-considered opposition, *was given up.* I do not concern myself as to which, since I repeat, *that it was given up;* a termination which has generally satisfied the most interested and violent opponents; but your *bile,* nevertheless, which, *for twelve years together,* has been fermenting in your *private* brewery, has, at last, so *publicly* boiled over, that, under the *general law,* you are liable to be taxed.

To deal gravely with the subject—I think it highly fortunate for the Whigs, that nothing, however minute, has escaped you; and that it cannot be thought either partiality or forbearance has understated any wrongs they may have done, or any mistakes they may have committed. As no man, or body of men, ever yet were perfect, I shall feel no mortification for any differences of opinion that may prevail as to the *justice* of what *I* have written in their defence; because I am quite sure, that the whole public must condemn the *injustice* of what has been written by *you.* I ought rather, therefore, to thank you for what you have been pleased to consider as a *Reply* to me, to which I now put in my *Rejoinder,* and pray, in the language of the law, THAT IT MAY BE INQUIRED OF BY THE COUNTRY.

REPORT

SELECT COMMITTEE

THE HOUSE OF COMMONS

CRIMINAL LAWS

CAPITAL PUNISHMENT IN FELONIES

LONDON:

1820.

REPORT.

THE SELECT COMMITTEE appointed to consider of so much of the CRIMINAL LAWS as relates to Capital Punishment in Felonies, and to report their Observations and Opinion of the same, from time to time, to The House; and to whom the several PETITIONS on the subject were referred;—HAVE, pursuant to the Orders of The House, considered the Matters to them referred; and have agreed upon the following REPORT:

YOUR Committee, in execution of the trust delegated to them by the House, have endeavoured strictly to confine themselves within the limits prescribed to them by the terms of their appointment. In some cases they have laid down restrictions for themselves, which the letter of the Resolution of the House did not impose. They have abstained from all consideration of those Capital Felonies which may be said to be of a political nature, being directed against the authority of government and the general peace of society. To the nature and efficacy of the secondary Punishments, of Transportation and Imprisonment, they have directed no part of their inquiries, because another Committee had been appointed to investigate them, and because no part of the facts or arguments to be stated in this Report, will be found to depend, either on the present state of these secondary Punishments, or on the degree of improvement of which they may be found capable. With many extensive and important parts of the Criminal Laws, such, for example, as that which regulates the Trial of Offenders; they are entirely satisfied, and they should not have sug-

gested any changes in these departments, even if they had been within the appointed province of this Committee. On other parts of the subject; as, for example, in the definition and arrangement of Crimes, they have recommended a consolidation of the Laws respecting only one class of offences, and have presumed only to express a general opinion of the utility of the like consolidation in some other cases. They wish expressly to disclaim all doubt of the right of the Legislature to inflict the punishment of Death, wherever that punishment, and that alone, seems capable of protecting the community from enormous and atrocious crimes. The object of the Committee has been to ascertain, as far as the nature of the case admitted by Evidence, whether, in the present state of the sentiments of the people of England, Capital Punishment in most cases of offences unattended with violence, be a necessary or even the most effectual security against the prevalence of Crimes.

I.

In the first place, they endeavoured to collect official accounts of the state of Crimes and the administration of Criminal Law throughout the Kingdom, from the earliest period to which authentic information reaches. The Annual Returns of Commitments, Convictions, and Executions, first procured by Addresses from this House, and since required by Statute, go no farther back than 1805. Accounts, though not perfectly satisfactory, of the same particulars from London and Middlesex, from 1749 to the present time, have been already laid before Parliament, which, with an official summary of the Returns of England and Wales from 1805, will be inserted in the Appendix of this Report.

A fair and authentic account of Convictions and Executions for London and Middlesex, from 1699 to 1804, obtained, for the latter part of that time from the Clerk of Arraigns at the Old Bailey, and for the former part from the officers of the City of London, is inserted in the Appendix. The Corporation of the City of London have shown on this occasion a liberality and public spirit worthy of acknowledgment; and it is to be hoped, that they will continue their researches as far back as their Records extend, and thus complete Returns, probably unparalleled in the history of Criminal Law.

The Deputy Clerk of Assize for the Home Circuit, has laid before Your Committee a Return of Commitments, Convictions and Executions on that Circuit, which comprehends the counties of Herts, Essex, Kent, Sussex and Surry, from 1689 to 1716, from 1752 to 1784, and from 1784 to 1814. The Returns of the intermediate period from 1717 to 1785, he will doubtless furnish hereafter. From this important Return it appears, that, for the

first thirty years which followed the Revolution, the average proportion of convictions to executions was 38 to 20; that from 1755 to 1784 it was 46 to 13; and that from 1784 to 1814, it was 74 to 19. It is worthy of remark, that the whole number of convictions for murder, on the Home Circuit, in the first period was 128; that the executions for the same period were 87: that in the second, the convictions for the same offence were 67, and the executions 57; and that in the third, the convictions were 54, and the executions 44. If the increase of the population during a prosperous period of a hundred and thirty years, be taken into the account, and if we bear in mind that within that time a considerable city has grown up on the southern bank of the Thames, we shall be disposed to consider it as no exaggeration to affirm, that in this district (not one of the most favourably situated in this respect) murder has abated in the remarkable proportion of three, if not four to one.

In the thirty years from 1755 to 1784, the whole convictions for murder in London and Middlesex were 71; and in the thirty years from 1784 to 1814 they were 66. In the years 1815, 1816 and 1817, the whole convictions for murder in London were 9, while in the three preceding years they were 14. Most of the other returns relate to too short a period, or to too narrow a district to afford materials for safe conclusion, with respect to the comparative frequency of crimes at different periods.

In general however it appears that murders, and other crimes of violence and cruelty, have either diminished, or not increased; and that the deplorable increase of Criminals is not of such a nature as to indicate any diminution in the humanity of the people. The practice of immediately publishing the circumstances of every atrocious crime, and of circulating in various forms an account of every stage of the proceedings which relate to it, is far more prevalent in England than in any other country, and in our times than in any former age. It is on the whole of great utility, not only as a control on courts of judicature, but also as a means of rendering it extremely difficult for odious criminals to escape. In this country, no atrocious crimes remain secret; with these advantages, however, it cannot be denied, that by publishing the circumstances of all crimes, our modern practice tends to make our age and nation appear more criminal than in comparison with others it really is.

II.

In considering the subject of our Penal Laws, Your Committee will first lay before the House their observations on that part, which is the least likely to give rise to difference of opinion. That many statutes denouncing capital punishments might be safely and

wisely repealed, has long been a prevalent opinion. It is sanctioned by the authority of two successive Committees of this House, composed of the most eminent men of their age, and in some measure by the authority of the House itself, which passed several bills on the recommendation of their Committees. As a general position, the propriety of repealing such statutes seems scarcely to have been disputed; respecting the number and choice of them, different sentiments must always be expected. Your Committee have not attempted a complete enumeration, which much time and considerable deliberation would be required to accomplish. They selected some capital felonies, for the continuance of which they cannot anticipate any serious argument, and which seem to them to serve no purpose but that of encumbering and discrediting the Statute Book. Various considerations have combined to guide their choice; sometimes mere levity and hurry have raised an insignificant offence, or an almost indifferent act, into a capital crime; in other acts the evil has been manifestly and indeed avowedly temporary, though it unfortunately produced a permanent law. Where the punishment of death was evidently unnecessary at the time of its original establishment, and where, if it was originally justified by a temporary danger, or excused by a temporary fear, it has long been acknowledged to be altogether disproportioned to the offence, Your Committee conceive themselves warranted in confidently recommending its abolition. But they have also adverted to another consideration, if in addition to the intrinsic evidence, of unwarrantable severity in a law, which arises from the comparison of the act forbidden, with the punishment threatened, they find also that the law has scarcely ever been executed since its first enactment, or if it has fallen into disuse as the Nation became more humane and generally enlightened, Your Committee consider themselves as authorised to recommend its repeal, by long experience, and by the deliberate judgment of the whole Nation. In the application of this latter principle, they have been materially aided by the documents which have been mentioned. Where a Penal Law has not been carried into effect in Middlesex for more than a century, in the counties round London for sixty years, and in the extensive district which forms the Western Circuit for fifty, it may be safely concluded that the general opinion has pronounced it to be unfit or unnecessary to continue in force. The Committee are aware, that there are cases in which it may be said, that the dread of the punishment has prevented the perpetration of the crime, and where, therefore, the law appears to be inefficacious only because it has completely accomplished its purpose. Whatever speciousness may belong to this reasoning in the case of conspicuous crimes, and punishments generally present to the minds of men, it never can be

plausibly applied to rare and obscure offences, to penal enactments, of which it requires a more than ordinary degree of professional accuracy habitually to recollect the existence. Your Committee have endeavoured to avoid all cases which seem to them to be on this ground disputable. From general caution, and a desire to avoid even the appearance of precipitation, they have postponed cases, which seem to them liable to as little doubt as some of those to which they are about to advert.

It has sometimes been said, that the abolition of penal laws which have fallen into disuse, is of little advantage to the community. Your Committee consider this opinion as an error. They forbear to enlarge on the striking remark of Lord Bacon, that all such laws weaken and disarm the other parts of the criminal system. The frequent occurrence of the unexecuted threat of Death in a criminal code, tends to rob that punishment of all its terrors, and to enervate the general authority of the government and the Laws. The multiplication of this threat in the Laws of England has brought on them, and on the Nation, a character of harshness and cruelty, which evidence of a mild administration of them will not entirely remove. Repeal silences the objection. Reasoning founded on lenient exercise of authority, whatever its force may be, is not calculated to efface a general and deep impression. The removal of disused laws is a preliminary operation which greatly facilitates a just estimate, and (where it is necessary) an effectual reform of those laws which are to remain in activity. Were capital punishments reduced to the comparatively small number of cases in which they are often inflicted, it would become a much simpler operation to form a right judgment of their propriety or necessity. Another consideration of still greater moment presents itself on this part of the subject; Penal Laws are sometimes called into activity after long disuse, and in cases where their very existence may be unknown to the best informed part of the community; malicious prosecutors set them in motion; a mistaken administration of the Law may apply them to purposes for which they were not intended, and which they are calculated more to defeat than to promote: such seems to have been the case of the person who, in the year 1814, at the Assizes for Essex, was capitally convicted of the offence of cutting down trees, and who, in spite of earnest applications for mercy from the prosecutor, the committing magistrate, and the whole neighbourhood, was executed, apparently because he was believed to be habitually engaged in other offences, for none of which however he had been convicted or tried.

This case is not quoted as furnishing any charge against the humanity of the Judge or of the advisers of the Crown; they certainly acted according to the dictates of their judgment; but it is

a case where the effect of punishment is sufficiently shown by the evidence to be the reverse of exemplary; and it is hard to say whether the general disuse of the capital punishment in this offence, or the single instance in which it has been carried into effect, suggests the strongest reasons for its abolition.

The Statutes creating capital felonies, which the Committee have considered under this head, are reducible to two classes; the First relates to acts either so nearly indifferent as to require no penalty, or if injurious, not of such a magnitude as that they may not safely be left punishable as Misdemeanours at common law. In these Your Committee propose the simple repeal; they are as follows:

1.—1 and 2 Phil. and Mary, c. 4. Egyptians remaining within the kingdom one month.

2.—18 Charles II, c. 3. Notorious thieves in Cumberland and Northumberland.

3.—9 Geo. I, c. 22. Being armed and disguised in any Forest, Park, &c.

4.——————————in any Warren.

5.——————————in any High Road, Open Heath, Common or Down.

6.—— Unlawfully hunting, killing, or stealing Deer.

7.—— Robbing Warrens, &c.

8.—— Stealing or taking any fish out of any River or Pond, &c.

9.—— Hunting in His Majesty's Forests or Chases.

10.—— Breaking down the head or mound of a Fish Pond.

11.—9 Geo. I, c. 28. Being disguised within the Mint.

12.—12 Geo. II, c. 29. Injuring of Westminster Bridge, and other Bridges by other Acts.

The Second Class consists of those offences, which, though in the opinion of Your Committee never fit to be punished with Death, are yet so malignant and dangerous as to require the highest punishments except death, which are known to our laws. These the Committee would make punishable, either by transportation, or imprisonment with hard labour, allowing considerable scope to the discretion of the Judges respecting the term for which either punishment is to endure.

1.—31 Eliz. c. 9. Taking away any Maid, Widow, or Wife, &c.

2.—21 Jac. I, c. 26. Acknowledging or procuring any Fine, Recovery, &c.

3.—4 Geo. I, cap. II, s. 4. Helping to the recovery of Stolen Goods.

4.—9 Geo. I, c. 22. Maliciously killing or wounding Cattle.

5.—9 Geo. I, c. 22. Cutting down or destroying Trees growing, &c.

6.—5 Geo. II, c. 30. Bankrupts not surrendering, &c.
7.——————— Concealing or embezzling.
8.—6 Geo. II, c. 37. Cutting down the bank of any River.
9.—8 Geo. II, c. 20. Destroying any Fence, Lock, Sluice, &c.
10.—26 Geo. II, c. 23. Making a False Entry in a Marriage Register, &c. five felonies.
11.—27 Geo. II, c. 15. Sending threatening Letters.
12.—27 Geo. II, c. 19. Destroying Bank, &c. Bedford Level.
13.—3 Geo. III, c. 16. Personating Out Pensioners of Greenwich Hospital.
14.—22 Geo. III, c. 40. Maliciously cutting Serges.
15.—24 Geo. III, c. 47. Harbouring Offenders against that (Revenue) Act, when returned from Transportation.

It does not seem necessary to make any observations in this place on the punishments of Transportation and Imprisonment, which Your Committee have proposed to substitute for that of Death in the second of the two classes above-mentioned. In their present imperfect state they are sufficient for such offences; and in the more improved condition in which the Committee trust that all the Prisons of the Kingdom will soon be placed, Imprisonment may be hoped to be of such a nature as to answer every purpose of terror and reformation.

III.

In the more disputable questions, which relate to offences of more frequent occurrence and more extensive mischief, Your Committee will limit their present practical conclusions to those cases, to which the evidence before them most distinctly referred. They cannot entertain any doubt that the general principles which have been so strikingly verified and corroborated in some particular cases by that evidence, apply with equal force to many others, relating to which they have not had sufficient time to collect the testimony of witnesses. That some offences which the law treats as Arson, and more which it punishes as Burglary, are not properly classed with these crimes, and ought not to be punished with death, would probably be rendered apparent by a legislative consolidation of the laws in being respecting Arson and Burglary. The same result, though in a less degree, might be expected from a similar operation in other important heads of Criminal Law.

On the three capital felonies of, Privately stealing in a shop to the amount of five shillings,—of, Privately stealing in a dwelling house to the amount of forty shillings,—and of, Privately stealing from vessels in a navigable river to the amount of forty shillings—the House of Commons have pronounced their opinion, by passing

Bills for reducing the punishment to Transportation or Imprisonment.

In proposing to revive those Bills, Your Committee feel a singular satisfaction that they are enabled to present to the House so considerable a body of direct Evidence in support of opinions, which had hitherto chiefly rested on general reasoning, and were often alleged by their opponents to be contradicted by experience. Numerous and respectable witnesses have borne testimony, for themselves and for the classes whom they represent, that a great reluctance prevails to prosecute, to give evidence, and to convict, in the cases of the three last mentioned offences; and that this reluctance has had the effect of producing impunity to such a degree, that it may be considered as among the temptations to the commission of crimes. Your Committee beg leave to direct the attention of the House to the evidence of Sir Archibald Macdonald, on this and other parts of the general subject, in which that venerable person has stated the result of many years' experience in the administration of Criminal Law. They forbore to desire the opinion of the present Judges, out of consideration to the station and duties of these respectable magistrates. It appeared unbecoming and inconvenient that those whose office it is to execute the Criminal Law should be called on to give an opinion whether it ought to be altered. As the Judges could not with propriety censure what they might soon be obliged to enforce, they could scarcely be considered as at liberty to deliver an unbiassed opinion. Of the Judges who have retired from the bench, Sir William Grant and Sir Vicary Gibbs, found it inconvenient to attend when they were requested; and the Committee dispensed with their attendance, having reason to believe that both adhere to the opinions which they formerly maintained in Parliament on opposite sides of this question. Lord Erskine was absent from London when it was proposed to examine him; but the Committee are well assured that his opinions entirely concur with their own. Sir James Mansfield, and Sir Allan Chambrè, appear to have formed no opinion, and the Committee, at their request, dispensed with their attendance.

But highly as the Committee esteem and respect the Judges, it is not from them that the most accurate and satisfactory evidence of the effect of the Penal Law can reasonably be expected. They only see the exterior of criminal proceedings after they are brought into a court of justice. Of the cases which never appear there, and of the causes which prevent their appearance, they can know nothing. Of the motives which influence the testimony of witnesses, they can form but a hasty and inadequate estimate. Even in the grounds of Verdicts, they may often be deceived. From any opportunity of observing the influence of punishment upon

those Classes of men among whom malefactors are most commonly found, the Judges are, by their stations and duties, placed at a great distance."

Your Committee have sought for evidence on these subjects from those classes of men who are sufferers from Larcenies, who must be prosecutors where these Larcenies are brought to trial, who are the witnesses by whom such charges must be substantiated, and who are the Jurors, by whose verdicts only effect can be given to the laws. On this class of Persons, where the crimes are most frequent, and where long and extensive experience allows little room for error, and none for misrepresentation, or in other words, on the Traders of the cities of London and Westminster, Your Committee have principally relied for information. To the clerks at the offices of magistrates, and to the officers of criminal courts, who receive informations and prepare indictments, to experienced magistrates themselves, and to the gaolers and others, who, in the performance of their duties, have constant opportunities of observing the feelings of offenders, the Committee have also directed their inquiries; their testimony has been perfectly uniform.

Mr. Stephen, who has been near forty years Clerk of Arraigns at the Old Bailey, states, that Juries are anxious to reduce the value of property below its real amount, in those Larcenies where the capital punishment depends on value; that they are desirous of omitting those circumstances on which the capital punishment depends in constructive burglaries; and that a reluctance to convict is perceptible in forgery.

Sir Archibald Macdonald bears testimony to the reluctance of prosecutors, witnesses and juries, in forgeries, in shop-lifting, and offences of a like nature. He believes that the chances of escape are greatly increased by the severity of the punishments. "Against treason, murder, arson, rape, and crimes against the dwelling-house or person, and some others," he thinks "the punishment of Death should be directed."

Thomas Gaze, Esq. Solicitor of Excise, a very intelligent public officer, gave an important testimony, directly applicable indeed only to offences against the Revenue, but throwing great light on the general tendency of severity in Penal Laws to defeat its own purpose. From his extensive experience it appears, that severe punishment has rendered the law on that subject inefficacious. Prosecutions and convictions were easy when breaches of the law were subject to moderate pecuniary penalties; even a great pecuniary penalty has been found so favorable to impunity, that fraudulent traders prefer it to a moderate penalty. The act of counterfeiting a stamp in certain cases, within the Laws of Excise, was

before the year one thousand eight hundred and six, subject only to a penalty of five hundred pounds; but in that year it was made a transportable offence, of which the consequence was, that the convictions, which from one thousand seven hundred and ninety-four, to one thousand eight hundred and six, had been nineteen out of twenty-one prosecutions, were reduced in the succeeding years, from one thousand eight hundred and six, to one thousand eight hundred and eighteen, to three out of nine prosecutions.

Mr. Newman, Solicitor for the city of London, speaking from thirty years' experience, of the course of Criminal Prosecutions in that city, informed the Committee, that he had frequently observed a reluctance to prosecute and convict, in capital offences not directed against the lives, persons or dwellings of men.

The Reverend Mr. Cotton, Ordinary of Newgate, has described in strong terms, the repugnance of the Public to capital execution in offences unattended with violence, and the acquiescence even of the most depraved classes in their infliction in atrocious crimes.

Mr. Colquhoun, for twenty-seven years a police magistrate in this Capital, and well known by his publications on these subjects, declares his firm conviction that capital punishment in the minor offences operate powerfully in preventing convictions; and that there is a great reluctance to prosecute in forgery, shop-lifting, larceny in the dwelling-house, burglary without actual entry, horse stealing, sheep stealing, cattle stealing, frame-breaking, house-breaking in the day time, robbery without acts of violence, and other minor offences, now subject to the punishment of death. According to the testimony of this intelligent observer, the public mind revolts at capital punishment in cases not atrocious.

Mr. Newman, late keeper of Newgate, and connected with the administration of justice in London for forty years, gave testimony to the same effect.

Mr. Basil Montague stated a fact of a most striking nature, immediately applicable only to one offence, but showing those dispositions in the minds of the public which must produce similar effects wherever the general feeling is at variance with the provisions of criminal law. From the year one thousand seven hundred and thirty-two, when embezzlement of property by a bankrupt was made a capital offence, there have been probably forty thousand bankruptcies; in that period there have not been more than ten prosecutions, and three executions for the capital offence; and yet fraudulent bankruptcies have become so common as almost to be supposed to have lost the nature of crime.

Mr. Hogler, clerk to the Lord Mayor and to the sitting magistrates in London for thirty years, stated the anxiety of prosecu-

tors to lower the value of goods stolen; and has observed many cases of forgery, in which, after the clearest evidence before the magistrate, the Grand Jury has thrown out the Bill for some reason or other, where the magistrate had no doubt. The same solicitude to reduce the value of articles privately stolen in shops and dwelling-houses, has been remarked by Mr. Payne, clerk to the sitting magistrate at Guildhall; by Mr. Yardley, clerk at the office in Worship-street, who has observed a disinclination to prosecute in all capital cases, except murder; and who says, that in larcenies he has often heard prosecutors, especially females, say, "I hope it is not a hanging matter;" and by Mr. Thompson, clerk at the office in Whitechapel, who represents it as common for prosecutors in larcenies to ask, "cannot this be put under forty shillings?"

Mr. Alderman Wood, a Member of the House, an acting magistrate, and two successive years Lord Mayor of London, has strongly stated the unwillingness of shopkeepers and others to prosecute, the number of offenders who, during his mayoralty owed their escape to this cause; and his decided conviction, that if the capital punishment was taken away, the reluctance to prosecute would be greatly abated.

Mr. Wilkinson, a merchant in London, stated a case of property, to the value of one thousand pounds stolen from him, where he was deterred from prosecution by the capital punishment; and expressed his belief that a similar disposition prevailed among persons of the like condition and occupation with himself.

Mr. Josiah Conder, bookseller, Mr. Joseph Curtis, carrier, Mr. Wendover Fry, type-founder, and Mr. John Gaed, a merchant and shoe manufacturer, stated instances in which they were prevented by the capital punishment from prosecuting offenders, whom they would have brought to justice if the punishment had in their opinion been more proportioned to the crime. They also declared, that there is a general disinclination to prosecute among the traders of the city of London, or to convict in thefts without violence, and in forgeries.

Sir Richard Phillips, a bookseller in London, and once sheriff, as well as often a juror, has in these several capacities observed the same facts. Mr. Richard Taylor, a common-council man, prosecuted some men for breaking into his printing office and stealing some property out of it; for which they were transported, but whom he would not have prosecuted if he had not previously ascertained that the connection of the printing office with the dwelling-house was not such as to make the act a capital offence.

Mr. Richard Martin, a member of the House, informed the Committee, that the punishment of death prevented prosecutions in Ireland for horse, cattle, and sheep stealing, for privately stealing

in dwelling-houses and shops, and in general for all larcenies without violence. Though the extensive estate, of which he is proprietor, be almost laid waste by sheep stealing, he has been prevented from prosecuting by the punishment of death. If the punishment were reduced to transportation, he would certainly prosecute the offenders to conviction. He has no doubt that his estate would be better protected if the law were more lenient, and that the reduction of the penalties of the law would promote the security of property throughout the province of Connaught.

Mr. James Soaper, of Saint Helen's Place, Mr. Ebenezer Johnson, of Bishopsgate street, ironmonger, Mr. Baker, of the Tower, Mr. Lewis, a retired merchant, and Mr. Garrett, an insurance broker, bore testimony to the general repugnance to prosecution which arose from capital punishment; some of them mentioned instances in which they had been deterred by that consideration from bringing offenders to justice. Mr. Garrett said, that as far as his observation, there was not one in twenty who did not shudder at the idea of inflicting the capital punishment in cases of forgery. Messrs. Frederic and William Thornhill, hardwaremen, mentioned cases of theft in which they had forborne to prosecute on account of the punishment of Death. The former added, that he found it to be an almost universal sentiment among his neighbours and acquaintance, that excessive punishment tends very greatly to the production of crime; that he knows many persons who have been great sufferers by thefts in shops and dwelling-houses, and who declare that if the punishment of such offences had been any thing less than death, they would have regarded it as highly criminal in themselves to have forborne prosecution, which they had felt themselves compelled to abstain from in every instance on account of the punishment, and must continue to act on the same principle of forbearance till there was an amendment in the law. He also informed the Committee, that from his knowledge of a great variety of cases, he was convinced the more lenient punishment would more effectually prevent forgery.

Mr. Collins and Mr. Crowther, considerable and very respectable traders in Westminster, gave evidence which the Committee consider as of peculiar value. Mr. Collins has suffered both from larcenies and forgeries, and was restrained by the state of the penal law from bringing the offenders to justice, which he would otherwise have taken the greatest pains to do. He thinks that the laws of God do not permit life to be taken away for mere offences against property; and that among his friends, many of whom are traders in London and Westminster, he does not know a single exception from concurrence in such sentiments. Mr. Crowther stated, that no power had left their establishment for twenty-four

for any other cause than theft; that a prosecution had taken place in one instance, and had terminated in conviction and condemnation. "The pain and anxiety," he adds, occasioned by that event, until we obtained for him the Royal Mercy, none can describe but ourselves; which made us resolve never to prosecute again for a similar offence." The general opinion of the traders in London and Westminster is the same with his own. He declared, that if he received a forged bank note, he should be prevented from prosecution by the punishment of death, and that if the punishment were less than death, he should undoubtedly consider it as his absolute duty to bring the offender to justice. He believes that nine tradesmen out of ten agree with him.

Mr. Stephen Curtis, a leather factor in London, stated several cases of forgery, fraudulent bankruptcy, and larceny, where the persons injured declined to prosecute, from apprehension that the offenders might suffer death; this is the general opinion of the traders of London, though in the opinion of this witness, scarcely a shopkeeper from Cornhill to Charing-cross who does not suffer from shop-lifting.

Mr. Jacob, who has lately travelled through England on business, and Mr. Jennings, for some time a shopkeeper near Bridgewater, gave some evidence tending to show that the general sentiments of Traders in the country were, on capital punishments, the same which the Committee had such ample reason to consider as the prevalent opinion of the same valuable class of persons in the Metropolis. Mr. Jennings observed, that these opinions prevailed among farmers as well as shopkeepers, and that the capital punishment prevented prosecutions for horse, cattle and sheep stealing, as well as from privately stealing in shops and dwelling houses, and in constructive burglaries.

Mr. Joseph Harmer, who has practised for twenty years as a solicitor at the Old Bailey, gave a testimony which the Committee cannot but recommend to the most serious consideration of the House. In the course of his practice he had confidential communication with at least two thousand capital convicts, and may be presumed to have as good means of understanding their temptations, their fears and their hopes, as any individual in the kingdom. He is now much employed by prosecutors, and from intercourse with them, as well as by former observation of their conduct, has the amplest means of knowing the influence which capital punishment has on their disposition, to aid and enforce the execution of the laws. The Committee must also add, that he appeared to them a man of sagacity, as well as of a conscientious and humane character, whose opinions on this subject are entitled to much consideration. Every part of his evidence is so important, that they

find it difficult to select particular facts as worthy of greater notice. He informed the Committee, that he knew many instances of persons injured by larcenies and forgeries, declining to prosecute on account of the punishment; that the same consideration strongly disinclines many persons to serve as jurors at the Old Bailey, and induces them to bribe the summoning officer not to summon them; and that he has seen juries influenced, as he believes, by the severity of the punishment in numerous capital cases, but especially in forgeries, give verdicts of acquittal where the proofs of the prisoner's guilt was perfectly clear. Old professed thieves, aware of the compassionate feelings of juries, are, he says, desirous of being prosecuted on capital indictments rather than otherwise. "The present numerous enactments to take away life appear to me wholly ineffectual; but there are punishments, which I am convinced a thief would dread, namely, a course of discipline totally reversing his former habits; idleness is one of the prominent characteristics of a professed thief, put him to labor; debauchery is another quality, abstinence is its opposite; apply it; company they indulge in, they ought therefore to experience solitude; they are accustomed to uncontrolled liberty of action, I would impose restraint and decorum: were these my suggestions adopted, I have no doubt we should find a considerable reduction in the number of offenders." He states, that "he has often seen juries reduce the value of things stolen, contrary to clear proof; there is no reluctance to prosecute or convict, in his opinion, in murder, arson, burglary in its original sense of nocturnal house-breaking, highway robbery, with violence and murderous attacks on the person. The thieves observe the sympathy of the Public; it seems to console them, and they appear less concerned than those who witness their sentence. Certainly, the general feeling does not go along with the infliction of death in the case of crimes unaccompanied by violence; there are very few advocates for the generality of the present punishments; these punishments rather tend to excite the public feeling against the Criminal Laws."

IV.

Much of the above Evidence sufficiently establishes the general disinclination of traders to prosecute for forgeries on themselves, or to furnish the Bank of England with the means of conviction, in cases where forged notes are uttered. There is no offence in which the infliction of death seems more repugnant to the strong and general and declared sense of the Public, than forgery; there is no other in which there appears to prevail a greater compassion for the offender, and more horror at capital executions.

In addition to the general evidence above stated, to notorious

facts, and to obvious conclusions of reason, Your Committee have to state the testimony of some witnesses of peculiar weight, on the subject of forgery.

Mr. John Smith, a Member of the House, and Banker in London, stated, that he knew instances where prosecutions for private forgeries were relinquished on account of the punishment; and had no doubt that if the punishment was less, prosecutions would have taken place.

Mr. Barnett, also a Member of the House, and a Banker in London, is of opinion, that capital punishment goes extremely to discourage prosecutions in forgery; he knows many instances of this, scarcely a year passed without something of the kind; he is of opinion that the majority of private forgeries pass unpunished, on account of the severity of the punishment. The punishment of death tends, in his opinion, to prevent prosecution, and to increase the crime.

Mr. J. F. Forster, a Russia Merchant, and Mr. E. Forster, a Banker in London, gave some remarkable examples of the repugnance to prosecute in forgery. In one, by the connivance of the prosecutor, a person who was introduced to the magistrate as a friend of the prisoner's, desired to see the forged cheque, snatched it away, and threw it into the fire; a mode of avoiding prosecution which, from other parts of the evidence, does not seem to be uncommon. In another, a forgery to the large amount of fifteen hundred pounds, where the forger and the utterer were both in custody, the prosecution was relinquished merely because the offence was capital; had the punishment been ever so severe, short of death, no endeavor would have been made to save the offenders. In the opinion of Mr. E. Forster, more than one half the private forgeries which are committed escape prosecution on account of the severity of the law: he added an example of the like sentiments, in the offence of stealing in a dwelling-house, which the Committee consider as remarkable, because it occurred in the officers of a public institution, who usually allow themselves to be less influenced by their feelings than individuals; a committee of a public institution, whose house had been robbed, would not engage in the prosecution unless the goods were valued under forty shillings. In this committee were persons of respectable condition in almost all the occupations which are most liable to loss by forgeries and thefts.

Mr. Fry, a Banker in London, mentioned four cases of prosecution for forgery which were prevented by the capital punishment, in one of which the party injured swallowed the forged note, that he might not be compelled to prosecute. Mr. Fry explicitly

stated, what is indeed implied in the evidence of the preceding witnesses, that as a banker, he should consider his property as much more secure if the punishment of forgery were mitigated to such a degree that the law against that offence would be generally enforced; in nine cases out of ten of forgery which he has known, there has been an indisposition to prosecute.

Dr. Lushington declared that he knew, that in the minds of many persons there is a strong indisposition to prosecute, on account of the severity of the punishment; and that he had heard from the mouths of prosecutors themselves, who have prosecuted for capital offences, where there was a danger of the person's being executed, the greatest regret that they had so done; and many times they have expressed a wish, that had they been able to have foreseen the consequences, they would never have resorted to the laws of their country. He also related the case of a servant who committed a robbery upon him; the man was apprehended, and his guilt was clear; but Dr. Lushington "refused to prosecute, for no other reason, but that he could not induce himself to run the risk of taking away the life of a man."

Mr. Charles Attwood, a manufacturer of window glass at Newcastle, and a seller of window glass in London, had observed a very considerable indisposition to prosecute in capital cases among the traders of London generally; and conceives that this reluctance would abate, if the punishment were mitigated to something less than death.

Mr. Isaac Lyon Goldsmid, a broker to the Bank, and to merchants, whose experience in the transactions of bankers is very extensive, entertains no doubt, that the punishment of death has a tendency generally to prevent prosecution, and thinks that evidence to that effect might be discovered in hundreds of instances. A servant of his own committed a very aggravated forgery upon him. She confessed her guilt to the magistrate before whom she was taken; but it appearing that if she was prosecuted at all, it must be capitally, Mr. Goldsmid declined all further proceedings, and she was liberated. In the next family in which she became a servant, she committed another capital felony; and again the severity of the law appears to have been her protection.

Mr. Daniel Gurney, a banker in the County of Norfolk, declared his own reluctance, and had observed a similar reluctance among many bankers and traders in the country, to prosecute in cases of forgery, in consequence of the severity of the law. The dread of being instrumental in inflicting death had, with himself, and to his knowledge with others, operated as a protection to the criminal. In illustration of his sentiments, he mentioned the case of a man who was in the habit of committing forgery, "and was

not prosecuted in consequence of the capital punishment." Mr. Gurney considers that "his property as a banker would be more secure, if the punishment were not so severe, because there would be more inclination to prosecute." He also suggested, that if in every town of sufficient importance, an agent was invested with full authority from the Bank of England, to stamp the forged notes that were presented to him, it would be a considerable check to their circulation. In this opinion Mr. William Birkbeck, a banker in the West Riding of York, fully concurred; conceiving that if an agent of this kind were authorized to put a mark upon such notes, indicating that they were forged, it would probably throw them back on the original issuer so early, as to show him the futility of attempting to issue others of a similar description.

Your Committee cannot but consider the suggestion made by these respectable gentlemen as well meriting attention.

After due consideration of this important question, Your Committee are of opinion, that Forgeries are a class of offences, respecting which it is expedient to bring together and methodise the laws now in being. That in the present state of public feeling, a reduction of the punishment in most cases of that crime, is become necessary to the execution of the laws, and consequently to the security of property and the protection of commerce; and that the means adopted by the Legislature to return to our ancient standard of value, render the reformation of the Criminal Laws respecting forgeries, a matter of very considerable urgency. Private forgeries will, in the opinion of the Committee, be sufficiently and most effectually repressed by the punishments of Transportation and Imprisonment. As long as the smaller notes of the Bank of England shall continue to constitute the principal part of the circulating medium of the kingdom, it may be reasonable to place them on the same footing with the metallic currency; Your Committee therefore propose that the forgery of these notes may for the present remain a capital offence; that the uttering of forged bank notes shall, for the first offence, be Transportation or Imprisonment; but that on the second conviction, the offender shall be deemed to be a common utterer of forged notes, and shall, if the prosecutor shall so desire, be indicted as such, which will render him liable to capital punishment. Respecting the offence of knowingly possessing forged notes, Your Committee have no alteration to suggest, but what they conceive could be fit in all transportable offences, that a discretion should be vested in the Judges to substitute Imprisonment with hard labor for Transportation, where such a substitution shall seem to them expedient. As the discovery of the actual forgers of bank notes has been found by experience to be in the highest degree difficult, Your Committee con-

sider the suggestion of the Commissioners for inquiring into the means of preventing forgeries, of offering an unusual large reward for the detection of forgeries, as worthy of serious consideration; to such rewards in general, the Committee feel an insuperable objection. "In the case of forgery there are circumstances which considerably weaken the objection. No jury could convict in such a case, on the mere evidence of an informer, unsupported by the discovery of those materials, implements, and establishments necessary for carrying on the criminal system. The reward would therefore have little tendency to endanger innocent men, by false accusation. The evidence on which the conviction would rest must be of a sort which can hardly deceive. The informer would only furnish the key, by which the means of evidence would be found; the reward would rather be for detection than for conviction.

There are several points on which Your Committee are desirous of offering some observation to the House; two of these are of great importance; the First, relates to the best means of enabling Judges to pronounce sentence of death only in those cases where they think it probable that death will be inflicted: The Second, whether the establishment of unexpensive and accessible jurisdictions, for the trial of small offences, with the help of Juries, but with simple forms of proceeding and corrective punishments, might not be a means of checking the first steps towards criminality. These and other parts of this great subject, the Committee hope that the House will allow them another opportunity to consider, by permitting them, in the next Session, to resume, and if possible to complete their inquiries.

The Committee consider themselves as bound to express their gratitude to Mr. Evans, the learned and most meritorious vice chancellor of the county palatine of Lancaster; to Mr. Long, a respectable barrister; and to Mr. Jameson, a young gentleman employed in the study of the law, for the liberal and useful aid which they have afforded during the whole course of the investigation.

Your Committee will conclude by informing the House, that in pursuance of the various opinions and recommendations which they have stated above, they have instructed their Chairman early in the next Session of Parliament, to move for leave to bring in Bills, for the objects and purposes of which this Report is intended to explain the nature and to prove the fitness.

8 July, 1816.

COMMENTS

ON SOME RECENT

POLITICAL DISCUSSIONS,

WITH AN

EXPOSURE OF THE FALLACY

OF

THE SINKING FUND.

BY A. H. CHAMBERS,

BANKER, BOND-STREET;

AUTHOR OF THE RESUMPTION OF CASH PAYMENTS.

LONDON:

1819.

PREFACE.

COMMENTS,

&c. &c.

Never was any principle more fully demonstrated than the foregoing in our recent measures with regard to the price of bread, and the excessive importations of foreign corn: for the purpose of reducing as much as possible, the price of wheat to the consumer, under a false impression, that by so doing we shall relieve the wants of the majority of the people, and give them a more abundant supply of the necessaries of life.

That the price of bread, for the moment, has been reduced, there can be no question. But it is of great national importance to inquire if it were absolutely requisite that it should be so? Does not each succeeding day prove at what an expense the price of bread has been diminished, and how rapidly the finances of the country and its general prosperity have been on the decline? By finances we do not mean the immediate amount of the revenue as paid into the Exchequer; but have reference to the future permanent resources of the country for supporting the national wants—which can only be derived from the productive labor of the individuals composing the community; the competency of whom to contribute is wholly dependent on their trading to profit, or obtaining an advance on their merchandise after purchase.

The public funds have ever been considered as the national

Barometer." The rent of land—the flourishing or depressed state of agriculture—the condition of the cultivator—are likewise criteria of national prosperity or decay: the manufacturer being dependent, in a great degree, on the produce from the soil, claims the least of our attention; for if the former succeed, the latter will be sure to derive a proportionate benefit from their prosperity, on which he must chiefly rely. The actual decline in the value of merchandise at this time is evident in the articles of cotton, wool, &c.

The daily recorded reduction in the price of the public funds, from 84 to 65, is a diminution of more than one-fifth of the whole funded capital: the rent of land in various districts, has also been reduced one-fourth, and must necessarily fall with the reduction in the price of grain; reversing the whole agricultural system, from the difficulty of tenants procuring farms to cultivate, to that of finding tenants to occupy the land.

To what cause, or causes, are all these national calamities to be attributed, if not to the adoption of false policy somewhere? is a question, it is intended fairly to discuss, without regard to either party, whether in or out of power; for both would appear to have been equally in error. The first and principal mistake was, the unlimited introduction of foreign corn from various quarters, immediately after the cessation of hostilities, when grain became such a drug in our markets as to render the English grower incompetent to its cultivation. To remedy this inconvenience, the question of importation became agitated in Parliament, where a disposition was evident to court the opinion of the lower orders, who, by the bye, cannot be expected to comprehend an abstruse question of national policy; more especially as that under consideration was exhibited to their view through false lights, which, in their effect, militated against their true interest. The whole attention was injudiciously directed to keeping the price of grain as low as possible, instead of increasing the wages of productive labor, to meet the highest prices of corn. High State taxation, and low prices of corn and wages to the laborer, are perfect solecisms:—these can never exist together for any length of time:—either taxation must be reduced, or the price of bread and labor must advance; and, under the existing circumstances of the nation, there can be no question to which we ought to have recourse.

If taxation be reduced, we must for ever remain with an immense weight of debt, which, whenever we may have occasion to borrow, to maintain any future state of hostility, will hang like a millstone round the neck, and paralise every national exertion.

On the other hand, if the importation of grain be prohibited

altogether, or a tax on importation be imposed equal to the extra expense of English cultivation, the nation will rely on its own exertions for its supply, the price of labor will increase, and all will prosper; but if the present system of substituting Foreign for English corn be persisted in, it is almost morally impossible for the political current to flow calm and unruffled.

When the corn bill was in progress through Parliament, there evidently appeared to be a consideration on the part of Ministers, how far it might affect the permanency of their situations; and, on the part of Opposition, how their future claims to popular favor might be promoted; each individual, in both stations, beheld the advance of price as the harbinger of popular censure and disapprobation, and resisted it by eking out, with a parsimonious hand, a boon to the grower and the community. The corn bill, deficient as it may be, having passed the Legislature, the spirits of the farmer began to revive, and hope led him to believe, that he might be enabled to preserve the price of corn at, or near the standard, which the recent law had created;—he exerted his means to the utmost; but whilst all were disappointed, many were ruined.—It is true, that purchases made on the lowest terms, from the ruin of those cultivators destitute of capital, by those who had it at command, enabled the latter, not only to save themselves from destruction, but to become considerable gainers. No sooner did such farmers begin to feel themselves in more easy circumstances, than the manufacturer also felt the influence; and wool not only increased in price, but exceeded that which it had reached for many previous years; the grower, in return, expended his money, and both cultivator and manufacturer were mutually benefited. This would have continued to be the reciprocal state of both parties, had not a bountiful harvest occurred on the Continent, at a period when corn at home exceeded in price the import limitation. From the circumstance of an abundant produce in foreign countries, and a scanty one at home, every merchant became alive to speculation, and corn of all sorts was ordered, without limitation, from every port of Europe, from Africa, and from America. To such an extent, indeed, were these speculations carried, that both merchants and farmers sunk under the losses sustained. As might rationally have been expected, the manufacturing world has felt the fatal effects of these arrangements, and is now experiencing the very reverse of what was by that class so fondly anticipated. Instead of being benefited by a reduction in the price of bread, below that at which it can be grown, the manufacturer finds, to his cost, that he is mutually involved, and must become a participator in the deterioration of capital with the agriculturist.

It surely is the excess of folly to imagine, that the manufacturer can florish while the farmer is ruined! The principal, or profitable market for the manufacturer is the home market; when that fails (and fail it must if the farmer does not prosper) the exertions of the manufacturer will be to little purpose, and he will never be able to maintain his accustomed station of affluence.

Amongst the various authors who have written on this momentous subject, the sage and eloquent Fénélon — whose wisdom has almost unrivalled, stood the test of years, admired, if not acknowledged, by all — remarks that it is on the cultivation of the soil a wise people will depend for their prosperity, as the only true source of national happiness, whence wealth, political health, and domestic comfort, are to flow. Yet, what avail the arguments of Mentor, if none are disposed to listen to his admonitions? How often will it be necessary to repeat the incontrovertible truism, that our own cultivation must constitute our rational wealth, and furnish the means of subsistence to the manufacturer, as well as to the husbandman?

Suppose the manufacturer to have produced his fabric, must he not look to the opulent farmer, or to those who are dependent on the soil (termed the landed interest) as the best customers for his perfected commodity? Or if he dispose of it in barter at foreign markets, must he not look again to home consumption for a return on his articles imported? If means are not possessed by those at home, can he expect that wines, or any other species of foreign produce, can become objects of general consumption?

The usual arguments and objections of the manufacturers, on the exclusion of foreign corn from English markets, may possibly be comprehended under the simple question, how can we expect successful competition with foreign merchants, while we pay exorbitant prices for labor? In reply it may be urged, would you, on the same principle, be willing to reduce English labor to the daily wages of other countries?—that is to say, from 2*s.* 6*d.* to 8*d.* per day. Is not the price of foreign articles regulated abroad by the value of broad cloth, and other exported British commodities? If otherwise, why is the prime cost abroad of a pipe of port wine, now at 50*l.*, which formerly was purchased there at 10*l.*? or a butt of sherry, now at 70*l.*, which then might not have exceeded 15*l.* in price?

If it be not the increased value of English manufactures which has thus caused a corresponding augmentation in the price demanded for foreign merchandise, to what other cause is this augmentation in the price of wine to be attributed? certainly not to a less quantity of grapes being grown; for it is notorious that the supply

of wine has increased, or the consumption would not have taken place; and the consumption at home being increased, can only be caused by the opulence of English consumers. And, further, has not the great proportion of these consumers been more interested in the growth of corn, than the manufacturers or dealers in merchandise, although the manufacturing and commercial world may have surpassed, in a tenfold degree, the individual luxury of the country gentleman?

Few subjects are less understood than what are termed national wealth and national poverty. In England we, nominally, are more opulent, and pay more for labor than in other countries, and, consequently, we are esteemed richer than our neighbours. Our ideal riches enable us to pay 2*s.* 6*d.* a day for labor, while other countries pay 6*d.* or 8*d.*; yet the laborer only gains the same quantity of bread to support nature, as he would get abroad, or nearly so;—with this difference, that the English laborer eats white wheaten bread, while the foreign laborer may eat coarse black barley bread.—White bread, in this instance, is the riches of one country, while black bread is the poverty of the other; and as the enjoyment of comforts is generally attendant on increased industry, it follows that we may be esteemed more happy and more rich in point of national wealth; but this, it may said will be said, has very little to do with the grand question of our having more or less gold in the country. Spain possesses more gold;—yet Spain is poor, compared with England.

How have we lately fallen from the proud pre-eminence we occupied, by indulging in that unfortunate jealousy which one part of the community has entertained of the other, under a false notion, that the advancement of one description of men must necessarily be the depression of the other! While these prejudices govern our opinions, it does not require peculiar sagacity to predict, that the country must continue as much to retrograde from, as it was heretofore advancing towards prosperity.

To justify the proposed alteration in the mode of admitting foreign corn into the English markets, by permitting the importation at a high price only, or excluding it altogether, unless a proportionate duty be paid; it may not be uninteresting to the reader, to give a simple statement of facts, and to draw a parallel between England and the low countries round Brussels and Malines, (whence the information is derived) stating the price of labor and amount of taxes which are actually paid in Belgium.

Labor in Belgium is eight sous du pays, equal to the French decimes, or English pence, per day in winter, and from ten to twelve in summer; making the average through the year 10*d.* per day of our money. Let one individual be supposed to farm in Belgium,

—another in Sussex, or any other country equi-distant with Antwerp, for the transportation of corn to the London market —if the actual quantity of labor expended on an acre of land be assumed as equal in both places, it will be found that while the Malines farmer can pay a rent of 3*l.* per acre, the Sussex cultivator is at more expense than the Belgian, though he pay no rent at all. Objections having been made to the rent being so highly stated, a lower scale of rent, at 1*l.* per acre, is also submitted to the statesman for his consideration and judgment.

BELGIUM.		SUSSEX.	
£3 0 0	Rent of one acre	Rent	£0 0 0
0 12 0	Duty paid to the state, or one fifth part of the rent.	Manual labor at 2*s.* 6*d.* per day	3 0 0
1 0 0	Manual labor at 10*d.* per day, including threshing, on one acre of arable land.	Poor's rates, at 7*s.* in the pound	1 10 0
		Tithes compounded at per acre	0 7 0
		Church rate, highway and state taxes of every description, at per acre	0 10 0
£4 12 0			£4 18 0

BELGIUM.		SUSSEX.	
£1 0 0	Rent.	Rent	£0 0 0
0 4 0	Duty to the state one-fifth part of the rent.	Poor's rates	0 10 0
1 0 0	Manual labor, including threshing.	Tithes	0 7 0
		Church rate, highways and state taxes	0 4 0
		Manual labor	3 0 0
£2 4 0			£4 [illegible] 0

From these statements, whether the rent be considered high or low, the result is *ruin* to the English farmer, while in competition with the foreigner in our own markets; as we discover a loss of 6*s.* on the higher rented land; and on the lower 1*l.* 17*s.* per acre, exclusive of rent to the proprietor of the land.

If these comparative statements be just, (and they are open to contradiction,) it is difficult to determine in what point of view the opinions of various members, on either side of the House, ought to be considered;—whether compassion should be excited for a deficiency in comprehension on the precise nature of the prayer of the petitions for a protecting duty on corn imported; or regret, that

their apprehensions should so far prevail, lest their constituents should displace them on a future election. It should seem that nothing short of want of reflection, or the desire of ingratiating themselves with their constituents, could have the effect thus to influence their opinions, on receiving the agricultural petitions, praying for such a protecting duty on the importation of foreign corn as should be equal to the tithes and poor's rates, amounting to one-third of the value of the corn grown in England: a subject of the most vital importance that can come under the consideration of the legislature; affecting, as it does, the political existence of the country, although it is but too little considered in that important point of view.

If this reasoning cannot be impeached, surely the man who farms in England, while the Low Countries are open to him, with free access thence to the English markets, deserves to have a strait waistcoat! he must indeed be deficient in the first principles of reason, and want common reflection. If the present system be persevered in, he must, unless his circumstances be such as that he can afford to lose from other sources of profit what the foreigner gains, bring himself and family to inevitable ruin. As examples are frequently more conclusive than argument, one only is selected to prove the correctness of the preceding observations. A young man, four years since, entered on a farm in Surrey of one thousand acres; he possessed 5000*l.* of his own, and borrowed 4000*l.* more of his sister: uniting himself with a man of very considerable opulence his prospects were cheerful, as their joint fund amounted to 20,000l.; every attention was paid to the well ordering and management of their concern; their land was brought into a high state of cultivation by the union of industry and science to capital; they farmed for five years, and now the young man has been compelled to relinquish his share of the concern by valuation to his friend, having lost his own 5000*l.* and endangered the property of his sister. His associate would gladly relinquish the farm, were he not precluded by his engagements. Such are the effects of reduced prices! Had the value of corn been maintained, what would have been the consequence? The young man would have preserved his 5000*l.*, the labourers on the farm would have been nominated in their employ, more wages would have been earned on the farm, and more corn would have been produced; the young man might possibly have kept his hunter, he might have had a few additional coats, hats, and boots—whereas now his coat may be ragged, and his shoes (for he cannot afford boots) out at the toes. And beside what injury would his influence have done? It would certainly have consumed the feed of his horse, but this must be set in opposition to his raising more corn—fifty times more, probably, than what fed

his horse; his men would not have been paid from the poor's rate, as many of them generally are; the manufacturer would have been supported by making his saddle—the boot-maker his boots—the tailor his coat, &c.—and English grain would have supplied the place of foreign. If this case be fairly appreciated, will any man with common sense deny the inference, that high prices would not have been in favor of the young man, the manufacturer, the agricultural laborer, and the country?

The Right Honorable President of the Board of Trade observed, that the corn bill had produced every expected benefit, and that he saw no reason, on the part of His Majesty's Ministers, to question, or listen to any petitions, or plans of alteration!

What the Right Honorable Gentleman's expectations may have been, does not clearly appear.—He may have expected that the corn bill would be inefficient, in protecting the grower of corn; that England would not have had the foresight of a squirrel or a dormouse, to hoard up a store in advance against unfavorable seasons! If so, his expectations have not been disappointed: for certainly ere the sickle is applied to the ensuing harvest, there will not remain a supply of grain for the next three months on hand. Let any man of observation say if this is being provident! A country like England, with nearly eleven millions of souls, to be placed at the mercy of one bad season! Should not a well organised government endeavor to have, at the least, one year's consumption of food in advance for its inhabitants? But how is that possible, when the occupiers of the soil are so reduced in circumstances, as to be scarcely able to carry on their concerns to the next harvest? The most inveterate enemy to the country could not devise a plan more fraught with danger than that in which the Legislature seems determined to persist.

Should a war break out with those countries, whence we draw our present supplies of food, nothing could save the country from confusion—possibly ruin! The manufacturer would not be able to vend his goods—the farmer would not be able to supply the wants of the consumer—he could only refer him to those countries which at present make up his deficiency; but which would then be wholly closed against our applications.

If the condition of the country be examined with the eye and experience of an agriculturist, will not a candid opinion declare the farmers to be on the decline? If the present cultivators be ruined how are their places to be supplied? Both the disposition and the capital will be wanting: but were the case otherwise, and the present occupiers of the soil to remain solvent, it would require three years at the least to replace the total population in the

same situation it occupied in 1813—but, according to the old adage, while the grass grows the steed starves.

On this momentous question a gallant general, Sir Robert Wilson, expressed his sentiments to the following effect:—"that he had hoped the question would never have been brought before the house, but be set for ever at rest by the reply of the Right Honourable the President of the Board of Trade." The gallant general might have hoped that the agricultural laborers would all have been employed, and that the poor's rates would have been reduced—but his hopes, if he entertained such, were vain. Another honorable member, the representative for Norfolk, (of whom it is but justice to say, that to his former exertions the country is more indebted than to those of any other individual) opposed the petitions; admitting, at the same time, that the agricultural interest labored under great difficulties. He proposed, as a remedy, the repeal of the agricultural horse duty; as if that were an insupportable burthen on the farmer's shoulders, and "that the last feather was breaking the horse's back." If a farmer employed twenty horses at plough, he ought to grow two thousand quarters of corn; the relieving him from the duty on twenty horses, would certainly save him 20*l.* per annum; but he seeks on the present occasion for a compensation equal to 2000*l.* per annum—might we not as well pretend to feed an elephant with a millet seed?

Various other members, especially the Master of the Mint, argued, that as their rents were well paid up, there could be no reason for legislative interference. Did the right honorable member reflect, before he made up his mind, that the profit of a farm the last year might, and in most instances did, arise from purchases made by opulent from distressed farmers, who sold them meat at 3*s.* in Smithfield, which, if kept till the present season, would have produced 6*s.* per stone; so that if a farmer bought one hundred beasts of eighty stone for 12*l.* each, the profit would, at the present moment, be at least 1200*l.*, exclusive of the improvement of the animal? Were the right honorable member's conclusions drawn from matured reflection, or from no reflection whatever? Yet he seems equally as successful in his reasoning as other members who have offered opinions in opposition to the petitions. Is it to be believed, or can we expect, that twenty years hence it will be credited, that on a question so completely involving and affecting, not only the general but individual interests of the community, not one argument had been adduced to justify the opposition made to the groans of the whole agricultural interests of England?

Certain members argue, that the manufacturing classes can with difficulty obtain a subsistence; hence it may be inferred, that the

rural community ought not to be in a better condition; although it is manifest that the agricultural laborer can, under due legislative regulations, supply his own wants, and in some degree relieve the necessities of the manufacturer. But it is chosen that he should adopt the conduct of the drunken man, who found his friend overwhelmed with liquor, lying prostrate on the ground, and failing in his attempts to raise him, said, "I cannot raise you up:" "that may be true" said the drunken man, "but you may lie down beside me," and pulled him to the ground. Others question the power of England to become a self-subsisting country. It will not, however, be easy to convince parties who thus argue of the fallacy of their opinions.

Should an unproductive season ensue, to what a deplorable condition will England be reduced, at a moment when the produce of her manufacturers are either returned unsold from foreign markets, or there sold for half their value or prime cost, when gold cannot be found in the kingdom to send in exchange for foreign corn abroad—when the cultivator is reduced in his circumstances and cannot afford to employ his parochial population, to prevent their drawing a subsistence from the poor's rate—when the credit of the merchant is restrained—and when the country is compelled to subscribe to a law, which paralyses all its efforts by a contracted circulating medium—had as this representative of currency may be!

The present commercial inconveniences result from a complication of circumstances not adverted to generally—it correctly perceived, by any; but when duly stated and dispassionately considered, they may be brought home to the comprehension and conviction of the most ordinary capacity.

First. The loss attending the last funding of exchequer bills has taken ten per cent. from the pockets of the subscribers and vendors of stock, to supply the demands of the commissioners for liquidating the national debt, who have actually purchased up 24,000,000*l.* at 10 per cent. less than the price at which it had been originally funded; and a consequent loss has been sustained by individuals to the amount of 1,400,000*l.* Secondly, the issues of bank paper being diminished two millions, contributed in no small degree, to embarrass the general credit of the country; for although silver may have been substituted for an equal amount withdrawn from circulation in small bank paper, yet silver does not, in any material degree, assist credit as it is usually required for the fractional parts of one pound sterling only, and any sum under the smallest, or one pound bank note. This description of notes has little effect upon credit, as few promissory notes are issued for one pound, excepting those of

country bankers, which in fact are concurrent with bank paper of equal amount. Silver, it is true, may be said to support credit; but it is of limited extent, and exists only as between two individuals, such as the laborer and the shopkeeper, or small dealer; this may be carried on until it reach one pound either with or without the fractional parts. The greater proportion of silver is either retained about the person of the possessor, or hoarded up by him in small sums for future application. Silver, therefore, can hardly be regarded as a consequential support to general credit. Under this illustration of silver not being essential to public credit, it is erroneous to believe, "that if silver be issued for bank paper, the same quantity of small notes as before are not required." The importation of corn has also taken from circulation perhaps to the amount of five millions.

The foregoing are comparatively minor considerations, but the grand source of embarrassment arises from the withdrawing a species of circulating medium, viz. that portion of the funded debt bought up by the commissioners, and in their names locked up at a time when the circulating medium was otherwise diminishing. For as the produce of that portion of the national debt has been abstracted from the payment of foreign imposts and other state taxes to the government, it acts precisely as if so much capital was withdrawn from commercial operation, and when accompanied by a reduction in the price of the remaining stock, as we perceive has recently been the case, it contracts the means of general purchases, whether of land, or of merchandise.

It is easy to foresee that this favorite system cannot be persevered in, unless competent prices are upheld, beginning with the produce of the earth, and the augmentation of wages to the husbandman. This will necessarily induce an increase of wages to the manufacturers, whose products will consequently increase in value. By supporting adequate prices of labor, whether agricultural or manufacturing, the public funds will likewise be maintained in a due proportion.

The frequent observations, both in and out of Parliament, of the advantage and necessity of returning to first principles, or a true and wholesome currency, have given birth to a few reflections.

That true principles are ever preferable to false ones no one will dispute, provided the option lie within reach, and the power of election be possessed without paying too high a price for making an experiment, or even attaining the object; but what should we say of that man who, having ascended a ladder of a hundred rounds, and ninety-nine taken from under him, should propose to return to first principles, as he might term it, that is, to descend to

the earth, by taking a leap from the top headlong down? Surely nothing but Bedlam hospital could be adjudged to such a disease.

The majority of reasoners, on certain subjects to which necessity may call their attention, too frequently move with a dark lantern—they throw the light upon some particular object, on which they fix their optics, while others of equal, if not superior importance, remain obscured. Every state empiric conceives himself competent both to judge and to act upon the spur of the moment; little contemplating how much labor, reflection, and time, aided possibly to fortuitous events, have progressively been bestowed to support a state, like that at which the government of the country is arrived, and as it is at present circumstanced—a state which the profoundest politician could never have foreseen or imagined. Necessity has demanded accommodation, and it is to that necessity we stand indebted for our preternatural strength. Why it is presumed that the Bank will be more competent to make cash payments in February 1820, than now, is not so obvious; unless by that period it is expected that the sinking fund will have performed its magic, and accomplished so much more in peace than it did in war; like the man who proposed to get into a quart bottle, but when the spectators came, requested of them to be satisfied of his powers for the moment, and if they would come on a future day, he would increase their wonder, and jump into a pint!

Previous to the battle of Trafalgar, it was said, "England expects every man to do his duty;" could a similar exhortation be generally obeyed by the whole kingdom, and with equal effect, the condition of an Englishman's existence would be too felicitous! It is solely the neglect of man's calling which creates his difficulties; whereas, by due attention to our several duties, and a strict and rigid performance of them, not only might we alleviate them, but every necessary, every comfort, every luxury, consistent with our situations in life, would be at the command of each individual, excepting of course those whose manual powers time or disease might have impaired. If this be true, why are we so short-sighted as to overlook those advantages placed before us, and within our reach, provided we but extend our arms to embrace them? why should we not, by ordinary means, avail ourselves of the exertions of our countrymen, by applying their labor to rural productive employment? Surely there is scope sufficient for every unoccupied hand to be advantageously employed.

It is not that man's condition a most cruel one, who is willing and desirous to contribute his labors to the general stock of the community, but is precluded so doing from a want of the means, whilst

those very means are actually afforded to foreigners? This unquestionably is the case, and will so continue while money is paid for corn or other vegetable produce in foreign countries. Can any policy be more erroneous? Yet still the general cry, in effect, though not in words, is against employing the English husbandman!

Various members of the senate have argued against the Bank restriction, contending that taking it off would be the means of furnishing the necessaries of life at a cheaper rate to the community. Who can question that such necessaries would diminish in price? Still they would not be obtained in so great an abundance; and as their reduced price would be solely occasioned by a less quantity of money being in circulation, the means of the consumer would be proportionally diminished.

The foregoing is the reverse of every salutary principle which should direct a well governed state under circumstances like that of Britain. Sound reflection would say, that this country wants no reduction of prices, unless the laborer could be insured his employment, which would not be the case in the event of prices being reduced. It is an augmentation rather than a diminution of the value of labor and produce, which is required; for if the national debt is to be upheld, it is high prices alone which can avoid confusion.

Doubts have arisen in the minds of many, and have been generally expressed, whether England can be considered a self-subsisting country? How such doubts can be entertained appears extraordinary; unless they are furnished by reference to the immense importations of corn, or are intended as an apology for not meeting public clamor.

No man can behold the miserable condition of the larger portion of the lands under cultivation without concern, though, when compared with the state of agriculture thirty years ago, they may be considered as improved; still, however, the country is but in its infancy with regard to rural improvement. We understand or practise but little, in respect to fossil manures; and so disregarded are the arable lands, that if all the weeds were eradicated, and corn suffered to supply their place, one-fourth more corn might possibly be grown on the same number of acres. Even the hedge rows, generally speaking, cover a twentieth part of the surface, not to mention the myriads of acres which lie in an unproductive state, from the want of draining or enclosing. Shall we then question the power of England to supply her own subsistence? especially as it may be stated that under our present system of tillage the aggregate produce is not equal to one-third of the full power of the soil.

The actual condition of the farmer, in his present state, and that in which he ought to stand, both with reference to his own benefit and that of the community for which he labors, demands some attention. At present the farmer proceeds, as it were, from hand to mouth. Many, before harvest is ended, are compelled to thresh out their new corn; and very few can boast having much on hand, when the sickle is applied to the standing crop. Will any man of judgment venture to pronounce that this annual state of the country is fit and proper for an enlightened and well regulated people to exist under; to be at the mercy of an unproductive crop or an unfortunate season of harvest! Surely common discretion and policy would provide against such contingencies, lying, as they do, so much within the reach of possibility—nay more, of probability. Yet the system can only be beneficially altered by encouraging the farmer, and enabling him to hold a year's consumption, or more, on hand. Self-preservation alone dictates such precaution. In former days, there is reason to believe these precautionary measures were observed, as appears by the name of "Grange," which was the granary of the district in different counties.

An idea is prevalent, that England is a manufacturing country; but why it should be so considered, or as having any peculiarity in that respect, it is difficult to assign a reason, unless it be that the inhabitants are greatly disposed to industry. Our advantages in manufactures do not wholly result from superior machinery, and a reflecting mind will naturally pronounce, that any country, having within itself the means of subsistence, begins at the wrong end, when it places its reliance solely on manufactures. The principal wants of man in these latitudes dictate the feeding, clothing, and sheltering of its inhabitants, and with the surplus of their productive labor in the shape of manufactures, the traffic with other countries is carried on. Surely no rhetoric is required to establish this as a general principle. To simplify the question, and bring the subject more clearly to view, let us suppose a community to consist of four persons, one a cultivator of the soil, the second a manufacturer, the third a builder, the fourth a soldier; the four mutually sustaining each other in food, raiment, shelter, and defence. These parties agreeing to estimate the labor done for each other, whether at sixpence or ten pounds per day, will not make any difference.

It can then be only on the surplusage of labor, after supplying the wants of the four, that the assumed difference in the value of labor can arise. This redundancy being all clear gain to the community, is sent to foreign countries, there to find its value in barter. The gain so drawn constitutes the accumulating riches, whether in

gold or luxuries, which the superabundance of industry enables the country thus possessing it to receive back in return. This it is which gives the superiority of one country over another. If gold and silver are more in request than luxuries, the precious metals are received in exchange for such superfluity; and the original compact between the four parties does not affect the exchange with other countries; for it is the foreign market which determines the value of the superabundant labor.

It has been determined by the Committee that gold and silver are merchandise; was it ever questioned, by reflecting men, that they were so? But would it be wise to compel the exporters to receive bullion only for their adventures, which, at any price abroad, they must obtain, to pay their acceptances discounted at the Bank at home? If this is to be done at all hazards, will not the revenue of customs suffer from gold only being returned instead of merchandise? True it is that such a regulation might stop the importation of grain, but that would be acting in opposition to the favorite system of relying on foreign countries for supplies of it.

Were it not for the national debt the prohibitory regulation in regard to corn would be useless; for as circulation became diminished, the value of that in existence would increase, and consequently the price of grain would be reduced below that standard formed in other countries, where gold was more abundant than in this; and this would reduce the value of grain in England so low as to preclude its importation; because foreigners would sell their corn abroad at a higher price than they could obtain in our markets. England, in this case, must either grow sufficient to supply her own wants, or the people must starve; unless, by the export of manufactures or merchandise, grain could be received back in return. But as our national debt must be sustained, the nation must accommodate itself to the existing state of things, or at once go to bankruptcy; for it is not possible the debt can be supported by *a limited currency*. Taxes must be raised, and those taxes can only be paid by an extended circulation, or, to meet the question boldly, by a fictitious circulating medium. By a fictitious circulating medium, is to be understood a medium formed upon the promise of Government, in the form of a loan from the Bank of England, or on the issue of Exchequer bills sold in the market, or by the Bank discounting the acceptances of individuals; all of which must, in a greater or less degree, be fictitious. The national debt having created imaginary numbers, those numbers can only be supported by corresponding numbers, created by the debt itself; for without the debt those numbers could never have existed. For instance, we speak of 1000 millions of debt; we cannot imagine that 1000 millions exist in specie to represent the debt—the whole

world would not furnish the quantity required; therefore we can only have recourse to fiction, or imaginary numbers formed by the debt itself, on which the minor question, whether a sovereign is to be worth forty-one sixpenny pieces or forty, and to vary according to the demand for gold or for silver, can have very little effect.

It is the quantity rather than the quality of the circulating medium that is indispensable and the nation requires; and it is worse than useless for a Committee to be sitting merely to determine whether the Bank of England shall be paid in bars or in coin, or whether the gold coin shall represent this or that quantity of silver, which is liable to variation even while the Committee is preparing its report. Such questions tend only to agitate the public mind, calling forth speculation, and may eventually ruin individuals who can form but imperfect ideas as to the value of money in the week ensuing.

To bring the subject more intelligibly before the public, it is requisite to take a view of the existing national debt, the sinking fund, the competency of carrying it into effect, the means by which it is to be supported, and its consequences. The national debt may be regarded as a torpid although grand source of currency; while the unfunded debt possesses a more active character. Notes and money are the immediate transferable media. When the necessities of commerce call for a supply beyond the notes or gold possessed, recourse is had to the grand circulating medium to supply the wants which are thus relieved in a few hours. This is the imaginary wealth of the nation, by which every species of property is not only represented, but assumes its particular relative value, and without which the created ideal numbers could not exist. They in their turn are supported by lands and tangible property of all descriptions. Should the debt be withdrawn by purchase, or otherwise extinguished, the ideal value disappears, and lands, as well as all other tangible property, can then only be represented by the quantity of specie in the kingdom. Hence it appears, that what is generally termed property, whether consisting of lands, national funds, or notes, are all created by each other, as to their respective value; and that the numbers used exist only in the imagination. How truly absurd then to shake the one, and expect the other to stand firm! Of what utility is any species of circulating medium but to excite the industry of the, which is alone the basis of all national wealth?

The pound sterling is an assumed arbitrary unit, by which we estimate value, as in mensuration the inch denotes measure; they are both liable to fluctuation, and are not precisely to be defined: with the one we compute wealth, as with the other we ascertain distance: the one comprehends all property, as the other reaches

the Sun; and although the nominal pound may vary in the quantity it represents, as much as three barley corns may differ on being more or less than an inch, still the real property remains unaltered, as does the positive distance to any given point. Real national wealth consists in population, productive labor, science united to industry, soil, climate, and laws. It is these which give one country the superiority over another. When they are combined and in constant active operation in any state, it may be considered as irresistible; nor can it signify whether it possesses the precious metals or not. Mutual confidence and assent furnishes precisely the same excitement to industry, that gold or silver can do; and it is to this confidence and assent, which are termed credit, that the empire is indebted for the foundation of its national prosperity. In soil and climate, England is notoriously deficient, and she has only kept her station by progressive agricultural improvements, affording a superiority which she may and will retain, provided her currency is adequate to her wants, and that she alone depends on her own skill and industry. These had more than compensated for deficiency of climate and of soil; until that fatal stroke of false policy, the free importation of foreign corn, blighted the husbandman's prosperity. This has led to the diminution of the currency; and to increase the evil, a reduction of its substitute is contemplated for the most contemptible of all reasons—because the substance has disappeared.

To show that the national debt is dependant on, and emanates from the land—let it be supposed that by Act of Parliament it were declared that the debt should be nominally doubled without any additional value being given by the fundholder, that the rent, the currency, and the wages should be augmented in the same ratio; will any man say that England would be either poorer or richer, or that foreign markets would not take off our manufactures and merchandise? So if an act were passed reducing every thing one-half, the only inconvenience to be encountered would be the regulation of wages, inasmuch as such reduction would operate against the general wish and opinion. In the former instance individuals would acquiesce cordially because the project would flatter their wishes, and parties would be persuaded that they were really richer; but, in the second, they would cavil at the principle, from a blind persuasion that they were intrinsically poorer, though without any substantial reason. But if the Legislature were to impose a tax on capital, equal to one-half of its amount, such a law would act in a very different manner, and the nation would discover that it was instantly relieved of three-fourths of the debt, if the benefit did not extend to the whole; for half the debt being extinguished by taking half the property, the Government

would find that it was relieved of a moiety of the debt, and was *plus* half the property in the kingdom, with only half of the debt to support. The moiety of the property still remaining in the hands of the people, could only be estimated at half its former value, from the annihilation of half the torpid circulating medium. The only advantage resulting to the monied man, would be in its increased value or that of its representatives, while all other property must in the like proportion be diminished to one-half. Should the principles laid down be true, we may clearly discern that the debt of the nation varies with, and is mutually dependent on, the land; and must, in its present state, be maintained by high rents, high wages, and a high price of corn, unless from fortuitous circumstances, such as a superabundant harvest, the quantity produced should compensate for its decrease in value, assisted by a sufficient currency.

Our ideal numbers were formed, increased, and intended, to answer the purpose of the moment, or as long as occasion should require. They met our difficulties, they were established for our convenience. The internal currency, however, has little to do with foreign markets, or foreign circulation. English currency may be considered as a most stupendous machine, which has shown its powers by the improvement in agriculture, arts, sciences, trade, and commerce; it has proved, that cordially uniting the hands of A. and B. with those of their fellow-countrymen, is more advantageous to each individual and to the community, than those sordid, selfish views, which only make each look to gold or silver in return for his labors.

For example:—assuming the debt of Great Britain and Ireland to be exactly one thousand millions, and the interest thereon thirty millions; on both of which the Commissioners for the reduction of the national debt are to act: the only source whence their purchases can be upheld is taxation, and that taxation solely proceeding from the revenue of individuals, of which the dividends on the funds, or government securities, form no small proportion: these, combined with the produce of the soil, are to be called forth by Government to meet the imaginary numbers created by the national debt; (the produce of the soil being the prominent feature whence the dividends are derived) yet still the dividends do form a component part of that revenue which is to sustain the credit of the state, and upholds the imaginary numbers established by the national debt. The ideal numbers are extended to the produce of the soil, and form the basis of national currency; for the precious metals have very little to do with taxation, and are scarcely to be considered in the requisite operations to maintain the national credit, or, in other words, the payment of the dividends. When Mr.

Pitt's attention was directed to the sinking fund, the highest encomiums were passed on his peculiar sagacity, and the strongest hopes were entertained that he had discovered the means of redeeming the nation, and extricating it from difficulties which nothing, it was said, but his stupendous mind could have led him to hope for success. How far his plan is ultimately to succeed, we shall now bring under consideration; intrepidly at the outset pronouncing that the Sinking Fund, under the present system, can never accomplish the redemption of the national debt; and that no sooner shall it begin to act, than it will prove its own incompetency by the insurmountable obstacles it will create in its progress.

It may be objected, that as one hundred millions have already been reduced, the prediction cannot be correct; but to those who so contend, the only answer is, that more stock or nominal capital has been created than by the Commissioners has been purchased up, and, consequently, there has not yet existed any material difficulties in carrying on their purchases; but no sooner shall that new creation of capital cease, than the difficulties predicted must inevitably arise. To form revenue, the existence of capital, real or nominal, affording an annual return, is absolutely necessary. As the purchases in the Commissioners' names increase, the means arising from stock remaining in private hands diminish, or in other words, as the funds are purchased up by the Commissioners, the stock and the income are wanting in the market. The present moment would not have arrived, ere this want would have been severely felt, had not a substitute been created, in addition to Exchequer bills.

In times of peace, the profits to individuals being diminished, from the circumstance of Government ceasing to be the great customer, yet called on to acknowledge claims on the revenue, which include the gain to its contractors—the tide of profit may be said to go to ebb—and then the revenue of individuals begins to prey on the principal, by the Government eating up, in the shape of state taxes, the produce of the stock purchased by the Commissioners; for the produce of the funds sold to the Commissioners, together with the funds themselves, do not merely change hands and remain the same, as some are wont to imagine, in a state of activity, but are absorbed by the demands which individuals may have on the Government, in their claims of dividends; thus, as it were, acting from necessity on itself.

Nothing, therefore, can be more unreasonable than the irritability against Government at the great pressure of taxation; for the chief part of the revenue is called forth to discharge the interest on those sums which have been borrowed by the State in a time of need; and it is unfair to accuse the Government on all occa-

sions with exulting from the public, when we ought to lay the blame on our own rapacity, in withholding our assistance on such occasions, unless we obtain exorbitant advantages; first, in the form of profit in the articles furnished; and, secondly, by lending on the most favorable terms.

By those, therefore, who are vociferous against taxation, surely no dividend ought to be expected; as they cavil only at that which furnishes their own subsistence.

Numbers are created, in the first instance, by the national debt, and correspondent ones are formed, as the representatives of all articles, (which are called increase of price,) in support of that debt from which alone they derive an existence. On the creation of a new debt, if it furnish the means of supporting itself, it will necessarily follow, that if it be annihilated, or partially withdrawn, by placing it in an inactive state, the means of support become diminished in exact proportion; and if the same quantity of revenue be required to be drawn from the remaining part unsold, in the hands of individuals, to support the whole, deficiencies must arise, and embarrassment must ensue. Thus, if 1000 millions of debt yield thirty millions of dividends, whenever the Commissioners shall have purchased up 500 millions, fifteen millions of dividends, or income among individuals, will be wanting, and, consequently, there must be fifteen millions of income absorbed by the State, which with the stock was subject to pay taxes, under the denomination of legacy duty, probate duty, powers of attorney, stamp duty, &c.; affecting the generality of other taxes or sources of revenue to the State in like manner, although they may not be quite so obvious to the cursory reader.

As the creation of the debt has augmented the currency, and reduced the nominal value of money, it follows, of course, that the reduction of the debt will enhance the value of money, reduce the circulating medium, diminish the rent, and, consequently, the value of the land, thereby placing a positive barrier to the accomplishment of that system, on which we have so much prided ourselves, fondly imagining, that we had discovered the philosopher's stone, the grand panacea of all our national distress, in sustaining the *Sinking Fund.*

If these strictures on the Sinking Fund be found practically true, is it not the excess of folly to persevere in the persuasion, that the Sinking Fund will ever purchase up the national debt? In theory, it is one of those fallacious principles which may be worked and demonstrated in the closet—but which will fail whenever reduced to practice.

For the sake of argument, let us suppose that its accomplishment does lie within the compass of possibility; to what would it

lead, beyond convulsion and revolution, in the monied world? The Commissioners would purchase up 1000 millions of debt, and be in the receipt of thirty millions of taxes, which thirty millions might as well be expected to come from the moon, as from the purses of the community, unless a commensurate currency, in their stead, were gradually introduced and established. These thirty millions, as they are now paid into the Exchequer, and issued thence in the form of dividends, form that standard by which the value of land is estimated. Should the debt become extinguished, and the dividends cease to be issued, the land would diminish in value both as to fee and to rent. If the thirty millions of taxes were to be paid up to a given day, and on that day the whole funded debt were to be bought up by the Commissioners and extinguished, what would be the consequence? The State taxes would necessarily be withdrawn;—and if they were, how would any man, having entered into a contract, either to pay money borrowed on mortgage, or otherwise, be enabled to fulfil his obligation? Would it not be a complete revulsion of property, when the individual should not know whether he possessed one hundred pounds, or one hundred thousand? In short, the idea of an ultimate beneficial operation of the Sinking Fund, is too extravagant to be entertained, when once exposed; for, if ultimately impossible, its want of principle must be true *in limine*.

Of all political toys the Sinking Fund is the most engaging. It is a sort of *accelerator*; for no sooner do the Members of Opposition attack a Minister, than he mounts his *hobby-horse*, and round the house he rides, with his budget at his back, assuring the *green* members, that, like the sun in the zodiac, he must pay his annual visit to the bull, and take a peep at the great bear, for the benefit of that world, which his influence is destined to govern.

It may startle some persons when they first hear that the Government takes nearly the whole of the net revenue of the kingdom, or the clear produce of the soil, after paying the labour. It is through the medium of Government that the principal part of the unproductive labor is supported, and it is taxation which re-acts upon capital and absorbs the funds. For example, the nobleman pays his taxes from the dividends received at the Bank, or at any rate, in a considerable degree from that source; and, therefore, it is that we can look only to Government as a channel through which the current of real or nominal wealth is made to flow. The public revenue is no sooner received than the chief part is returned back to certain individuals, causing an action and re-action on property, which may be considered a principle resembling that of attraction and repulsion among the planets, keeping up perpetual motion for the continuance of order in the system.

We are not, therefore, to consider Government as a principle of evil, constantly drawing the blood of the nation from the heart; for the State, in fact, has little more to do with taxation, than to be the target at which every shaft of ignorance, vice, or malice, is levelled, and to suffer whatever odium may attach to the system; while, in truth, and in fact, it is ourselves we pay, and from ourselves that we draw the means of support. All that the Government takes of this immense mass of wealth, as it is called, is the support of 100 or 150 thousand men in arms, or unproductive laborers, exclusive of the civil list, and some minor charges upon the State. And here it may be necessary to inquire whether it were better to keep 150 thousand men in unproductive labor, with arms in their hands, ready to protect and defend the constitution, which, with all its grievances, real or imaginary, is unquestionably considered a blessing throughout the civilised part of the globe, or to return these 150 thousand persons back upon society, at a moment when it is difficult to supply with work those hands which are already out of employ.

The able historian of the Rise and Fall of the Roman empire, has estimated that a country, before the introduction of machinery, could constantly support in arms one man in a hundred. If his calculations be correct, our present protective force or standing army cannot be considered excessive, taking into consideration the colonies, which the Empire is called on to protect, whence important advantages to the State are derived.

There exist four important political errors, on which it is necessary to remark, and to which the particular attention of the public should be called, viz. the protection afforded to the English creditor under the French Government—the free importation of corn—the currency, and the Sinking Fund. First, the Government preferring to relinquish payment from France for the French prisoners supported in this country during the war, which amounted to double the sum claimed by the English creditors on the French funds, was, doubtless, an impolitic measure; not inasmuch as two pounds are better than one, for that is obvious to every man; but it tendered a pernicious temptation for persons to speculate in foreign loans, by holding out an assurance that the nation would become a sort of guarantee for the just fulfilment of French engagements, by making the stockholders objects of State consideration in any future negotiation, provided their property should again be confiscated. Ultimately, perhaps, the investments made in the French funds may not be unfavorable to the English; as that nation which borrows at large interest, like a man who takes up money by granting annuities, is sure to experience the ultimate inconvenience, and, in like manner, a future benefit may proba-

bly result to the English creditor: but we want the capital at home, the privation of which has already been generally and severely felt in the market. Secondly, the free importation of corn is not to be viewed as a party, or ministerial measure; for the opposition supported the principle as strenuously as the ministry. Indeed the ministry seemed inclined to shut the ports, or to restrict the importation to higher prices than those at which they were fixed—yet wished to avoid being driven to coercion, to repress the misguided public opinion on a measure so much in its consequences to be deplored. Thirdly, the reduction of currency, and reverting to cash payments, are questions which have almost exclusively originated with opposition, the members of which are hourly clamorous with the Chancellor of the Exchequer, for the adoption of measures to bring about what they esteem to be so desirable an object. The wonderful benefit to be derived if on the ensuing day the Bank were to pay in specie, does not so clearly appear;—but it is most certain that from an undue contraction of the circulating medium, great check has already been given to national industry, while much inconvenience has resulted to individuals from a reduced currency; and should the proposed plan of repaying the Bank a further portion of the debt due from Government, be carried into execution, (unless the like sum be reborrowed) it must cause great commercial embarrassment, if it do not involve the country in a general positive ruin. Fourthly, the fond hopes entertained of the ultimate effect of the Sinking Fund, with its incompetency to accomplish the object proposed, do not exclusively rest with ministers; for few can have forgotten the congratulations expressed by the leader of opposition to the Chancellor of the Exchequer, when he declared his intention of adhering to that *wise and salutary measure*, as he was pleased to term the Sinking Fund.

A noble Peer, Lord Grenville, in his seat in the Senate, on the 21st of May, when the opinions of the Bank Directors were presented and read, expressed himself to the following effect:—

That he deeply deplored his having at one period of his life countenanced the commencement of the Bank restriction. Or, in other words, he deeply deplored having introduced his countrymen into a labyrinth which he assisted in forming, whence his ingenuity now cannot extricate them.

The noble Lord deplores his want of foresight and acumen at an earlier period of his life, and to make the *amende honorable* in his declining age, "mistakes reverse of wrong for right." Thus recalling to mind an anecdote of the great Earl of Chatham, who, retiring to his country seat, observed, that he had given instructions for a windmill on an adjoining hill, of which he commanded

a view, to be painted on the side facing his windows, and ordered his steward to his presence, threatening to discharge him for neglecting to execute his orders. "Did I not tell you," said his Lordship, "to paint that side of the mill which you have neglected? therefore now you may quit my service!" "My Lord," replies the steward, "it was painted, but your Lordship's all-powerful and comprehensive mind has forgotten that the wind has changed, and consequently the mill has turned. Should the wind shift, my Lord, the mill may turn again."

A

CONCISE HISTORY

OF

TITHES,

WITH AN

INQUIRY

HOW FAR A

FORCED MAINTENANCE

FOR THE

MINISTERS OF RELIGION

IS WARRANTED BY THE

EXAMPLES AND PRECEPTS

OF

Jesus Christ and his Apostles.

By JOSEPH STORRS FRY.

LONDON:

1820.

PREFACE.

THE object of the following Essay is to present the Reader with a concise account of the introduction of Tithes into the Christian Church, with such arguments and conclusions as appear fairly to arise therefrom, and such as, in the opinion of the writer, are of general interest to the Professors of Christianity.

In order to effect this object, the writer has necessarily had recourse to sundry authors; to one of whom, especially, who treated on this subject in a work he published a few years ago, he is greatly indebted; he having left the writer at full liberty to make such extracts as he might think proper: of which liberty he has accordingly availed himself.

A CONCISE

HISTORY OF TITHES,

&c.

CHAPTER I.

Tithes given by Abram to Melchizedek, Priest of the Most High God.—Scriptur Aeccount of Melchizedek.

THE first mention of Tithes that we find in the Sacred Records is in the relation of the return of Abram from the slaughter of the four Kings, where it is said that "*Melchizedek, King of Salem, brought forth bread and wine: and he was the priest of the most high God. And he blessed him, and said, Blessed be Abram of the most high God, possessor of heaven and earth: And blessed be the most high God, which hath delivered thine enemies into thy hand. And he gave him tithes of all.*" Gen. xiv. 18. This is the only notice of this occurrence; nor is there any further account of Melchizedek in the Old Testament, excepting by the Psalmist, where he is supposed to be speaking prophetically of our Saviour. "*Thou art a priest for ever after the order of Melchizedek.*" Ps. cx. 4. The above event appears to have taken place about 400 years before the giving of the Law.

Here is a simple narration of a circumstance, totally unconnected, in an historical point of view, with any other. It appears that Melchizedek met Abram and blessed him, and that Abram *gave* him tithes of all. But there does not appear to have been any divine command, nor any precedent, for this gift; nor is there any reason assigned why the tithes were given: we are, therefore, at liberty to conjecture for ourselves. It appears to me that the

motive which influenced Abram was gratitude to God, for having enabled him to overcome his enemies; and to rescue his kinsman Lot, and his household; and for the blessing which it pleased God to convey to him by Melchizedek; and that, in the fulness of his gratitude, he *gave* tithes of the spoil to Melchizedek, as the messenger of peace from God to him.

There is nothing in this occurrence that can by any force of language be construed into an *Institution*, as some commentators have attempted. But the character or description given of Melchizedek by the author of the Epistle to the Hebrews, is such as surely no Man of the present day will presume to claim for himself. He describes him as "*King of Righteousness; also King of Salem, which is, King of Peace; without Father, without Mother, without descent;*" which latter expressions some suppose to mean only, without a known pedigree; but I think the description is too plain to be misunderstood. It proceeds thus: "*Having neither beginning of days, nor end of life, but made like unto the Son of God; abideth a Priest continually.*" Heb. vii. 2. "*And here men that die receive tithes: but there he* receiveth them, of whom *it is witnessed that he liveth.*" Ib. 8. It appears also that his priesthood was of the *same order* as that of our Saviour: "The Lord sware and will not repent, Thou art a Priest for ever after the order of Melchizedek." Heb. vii. 21. *What* that order was appears in the sequel: "By so much was Jesus made a surety of a better testament. And they truly were many Priests, because they were not suffered to continue, by reason of death: But this man, because he continueth ever, hath an unchangeable priesthood. Wherefore he is able also to save them to the uttermost that come unto God by him, seeing he ever liveth to make intercession for them. For such an high Priest became us, who is holy, harmless, undefiled, separate from sinners, and made higher than the heavens." Heb. vii. 22. Such was the *order* of the Priesthood of Christ, and such appears to have been the order of the priesthood of Melchizedek. Whether they were different appearances of the same divine personage, is not for me to determine.

CHAPTER II.

Tithes instituted by Divine Command, as a Heave Offering, under the Ceremonial Law of Moses. To continue until the coming of Shiloh, i. e. The Messiah, by whose Sacrifice, once for all, ended all the Types and Shadows of that Dispensation.

The only command from God, that we read of in Holy Writ, for the payment of Tithes, was given by Moses to the people of Israel, in the time of the Levitical Law. Then God just reserved

to himself the Tithe of the Land of Canaan; [1] for this reason, that, intending to take the Tribe of *Levi* more peculiarly into his service, (as he did [2] instead of, or in exchange for, all the first-born of *Israel*, [3] having before reserved and appropriated the first-born to himself,[4]) he might bestow those Tithes on the Levites for the maintenance of that whole Tribe, as a reward of their services in the Tabernacle of the Congregation,[5] and in lieu of their share of the Land of *Canaan*, which thereupon they were expressly cut off from.[6]

Now, although it was grounded on a principle of moral justice and equity, that the *Levites*, thus engaged in a continual attendance on a public service, and excluded from their share in the inheritance of the promised land, should receive a sufficient maintenance from those for whom they performed that service, and who enjoyed their part of the land; yet the ascertaining the *quota* of that maintenance, to the exact proportion of a *tenth part* of the increase of the land, was not grounded on moral justice, but had its dependence on the Ceremonial Law, adapted and limited to the polity of that Dispensation and People only. And, that it might not be extended beyond its appointed time and bounds, it pleased the Divine Wisdom to subject it to such ceremonial circumstances

[1] "And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the Lord's: it is holy unto the Lord." Lev. xxvii. 30.

[2] "Bring the tribe of Levi near, and present them before Aaron the priest, that they may minister unto him." Numb. iii. 6.

[3] "And I, behold, I have taken the Levites from among the children of Israel, instead of all the first-born ——— among the children of Israel; therefore the Levites shall be mine; because all the first-born are mine; for on the day that I smote all the first-born in the land of Egypt I hallowed unto me all the first-born in Israel, both man and beast: mine shall they be: I am the Lord." Numb. iii. 12, 13.

[4] "And I have taken the Levites for all the first-born of the children of Israel." viii. 18.

[5] "Sanctify unto me all the first-born ——— among the children of Israel, both of man and of beast: it is mine." Exod. xiii. 2.

[5] "And, behold, I have given the children of Levi all the tenth in Israel, for an inheritance, for their service which they serve, even the service of the tabernacle of the congregation. And ye shall eat it in every place, ye and your households; for it is your reward for your service in the tabernacle of the congregation." Numb. xviii. 21, 31.

[6] "And the Lord spake unto Aaron, Thou shalt have no inheritance in their land, neither shalt thou have any part among them: I am thy part and thine inheritance among the children of Israel. But the Levites shall do the service of the tabernacle of the congregation, and they shall bear their iniquity: it shall be a statute for ever throughout your generations, that among the children of Israel they have no inheritance. But the tithes of the children of Israel, which they offer as a heave offering unto the Lord, I have given to the Levites to inherit: therefore I have said unto them, Among the children of Israel they shall have no inheritance." Numb. xviii. 20, 23, 24.

as plainly rank it among those carnal ordinances, (rites or ceremonies,) which were imposed but till the time of reformation.' For as God appointed the *Levites* to be offered for a *Wave-Offering* by *Moses*, in the name and on the behalf of the Children of *Israel*, when he said to *Moses*, *Thou shalt bring the* Levites *to the Tabernacle of the Congregation, and thou shalt gather the whole assembly of the Children of* Israel *together; and thou shalt bring the* Levites *before the Lord, and the Children of* Israel *shall put their hands upon the* Levites: *and Aaron shall offer* [in the margin, *wave*] *the* Levites *before the Lord for an Offering* [in the margin, *Wave-Offering*] *of the Children of* Israel, *that they may execute the service of the Lord.* Numb. viii. 9. 10. 11. So the Tithes, which were assigned for the maintenance of the *Levites*, were to be first offered, by the people, as a *Heave-Offering* unto the Lord. (*The Tithes of the Children of* Israel, *which they offer as a Heave-Offering unto the Lord, I have given to the* Levites, &c. Numb. xviii. 24.) And even the Tithe of those Tithes, which the *Levites* were to yield unto the Priests, was to be offered by the *Levites* as a *Heave-Offering* to the Lord, before the Priests might have them. "Thus speak unto the *Levites*, (said God to *Moses*,) and say unto them, When ye take of the Children of *Israel* the Tithes which I have given you from them for your inheritance; then ye shall offer up a Heave-Offering of it for the Lord, even a tenth part of the Tithe. And this your Heave-Offering shall be reckoned unto you, as though it were the corn of the threshing-floor, and as the fulness of the wine-press. Thus ye also shall offer a Heave-Offering unto the Lord, of all your Tithes which ye receive of the Children of *Israel*; and ye shall give thereof the Lord's Heave-Offering to *Aaron* the Priest." v. 26, 27, 28. This makes it evident, beyond doubt, that the Tithes which were given by the people to the *Levites*, and by the *Levites* to the Priests, under the Law, had their dependance on the Ceremonial Law, as that priesthood had; and were to stand no longer than that Law and that priesthood stood; which was but till *Shiloh* came, and, by the offering of himself once for all, had put an end to all the shadowy offerings under that Law.

This the author of the Epistle to the *Hebrews* so well understood, that he positively declared that, "the Priesthood being changed, there is made of necessity a change also of the Law." Heb. vii. 12.

"Then verily the first [illegible] had also ordinances of divine service, and a worldly sanctuary; which stood only in meats and drinks, and divers washings, and carnal ordinances, imposed on them until the time of reformation." Heb. ix. 1. 10.

CHAPTER III.

The Introduction of the Gospel.—The Precepts of Jesus Christ.—The Examples and Precepts of the Apostles Paul and Peter.—Conclusions from these Premises.—These Conclusions supported by the Primitive Practice.

Our Blessed Saviour declared that "*All the Prophets and the Law prophesied until John,*"[1] whom he calls not merely a Prophet, but "*more than a Prophet. For this* (says he) *is he, of whom it is written, Behold, I send my messenger before thy face, which shall prepare thy way before thee.*"[2] This was the forerunner of the Messiah, spoken of in prophecy, as the "*Voice of one crying in the Wilderness, Prepare ye the way of the Lord, make his paths straight.*"[3] He it was who was sent to bear witness of the True Light, which lightneth every man that cometh into the world; and who cried, saying, The Law was given by Moses, but Grace and Truth came by Jesus Christ.[4]

And that the Apostles were satisfied that the Dispensation of the Law was of no force among Christians, is also evident from the following Scripture: "*But there rose up certain of the sect of the Pharisees which believed, saying, That it was needful to circumcise them, and to command them to keep the Law of Moses.*[5] *Then pleased it the Apostles and Elders with the whole Church, to send chosen men of their own company to Antioch with Paul and Barnabas, namely, Judas, surnamed Barnabas, and Silas, chief men among the brethren: and they wrote letters by them after this manner: The Apostles, and Elders, and Brethren, send greeting unto the Brethren, which are of the Gentiles in Antioch, and Syria, and Cilicia: forasmuch as we have heard, that certain which went out from us have troubled you with words, subverting your souls, saying, Ye must be circumcised, and keep the Law: to whom we gave no such commandment: it seemed good unto us, being assembled with one accord, to send chosen men unto you, with our beloved Barnabas and Paul, men that have hazarded their lives for the name of our Lord Jesus Christ. We have sent, therefore, Judas and Silas, who shall also tell you the same things by mouth. For it seemed good to the Holy Ghost, and us, to lay upon you no greater burden than these necessary things, that ye abstain from meats offered to idols, and from blood, and from things strangled, and from fornication: from which if ye keep yourselves, ye shall do well. Fare ye well.*"[6]

[1] Matt. xi. 13. [2] Matt. xi. 9. Mal. iii. 1. [3] Matt. iii. 3. Isa. xl. 3. [4] John i. [5] Acts xv. 5. [6] Ibid. xv. 29.

Here then ended the Dispensation of the Law, with all its Ceremonies; and now was introduced the Dispensation of the Gospel, spoken of 700 years before by the Evangelical Prophet, in the following beautiful strains: "*Ho, every one that thirsteth, come ye to the waters, and he that hath no money; come ye, buy and eat; yea, come, buy wine and milk without money, and without price. Wherefore do ye spend money for* that which is *not bread? and your labor for* that which *satisfieth not? Hearken diligently unto me, and eat ye* that which is *good, and let your soul delight itself in fatness. Incline your ear, and come unto me: hear, and your soul shall live; and I will make an everlasting covenant with you, even the sure mercies of David. Behold, I have given him for a witness to the people, a leader and commander to the people.*" Is. lv.

This LEADER and COMMANDER, on the erection of this free Gospel Ministry, gave rules to his Disciples how they were to conduct themselves in the case before us. He enjoined the twelve, before he sent them on this errand, as we collect from the Apostles Matthew and Luke, that, "*as they had received freely, so they were to give freely; that they were to provide neither gold, nor silver, nor brass in their purses; nor scrip, nor other things, for their journey; for that the workman was worthy of his meat.*" Matt. x. 8. Luke ix. 1. And he afterwards asked them, "*When I sent you without purse, and scrip, and shoes, lacked ye any thing? And they said, Nothing. Then said he unto them, But now he that hath a purse, let him take it, and likewise his scrip.*" Luke xxii. 35.

In a little time afterwards Jesus Christ sent out "other seventy" of his disciples, to whom he gave instructions similar to the former, that they should not take scrip, clothes, or money with them. But to these he said additionally, that, "*Whatsoever they were received, they were to eat such things as were given them; but where they were not received, they were to go their way, and say, Even the dust of your city which cleaveth on us, we do wipe off against you.*" Luke x. And, as on that occasion, he compared the Ministers of the Gospel to the laborers whom a man sends to the harvest, he told them they were at liberty to eat what was set before them, because the laborer was worthy of his hire.

This appears to be the substance of all that Jesus Christ taught upon this subject. We therefore refer, next, to the Apostle Paul for a further elucidation of it.

This Apostle, in his Epistles to Timothy, and to the Corinthians and Galatians,[1] acknowledges the position, that the spiritual laborer is worthy of his hire.

[1] 1 Cor. ix. 1 Tim. v. Gal. vi.

He says, "*If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things?*" "*They which preach the Gospel should live of the Gospel.*" 1 Cor. ix. 11. and 14. He also says, "*Let him that is taught in the word, communicate unto him that teacheth, in all good things.*" Gal. vi. 6. But he no where says *to him that teacheth not*; neither does he say that those are to communicate, *who are not taught*. Hence it appears that those who faithfully spend their time in preaching the Gospel, are entitled to bodily maintenance from those who "receive them;" yet it should seem that this great Apostle had some misgiving as to the *expediency* of the practice; it having, as he thought, a tendency to obstruct the good effects of the Ministry: for he says, "*Nevertheless* WE *have not used this power; but suffer all things, lest we should hinder the Gospel of Christ.*" 1 Cor. ix. 12. "*But I have used none of these things, neither have I written these things, that it should be so done unto me: for it were better for me to die, than that any man should make my glorying void.*" v. 15. It is evident that he thought it more consistent with the spirit of Christianity, and more likely to further its interests, to support himself by the labor of his own hands, than to be supported by that of others; and it is plain that his companions in the Ministry did the same, for he says, "Neither did WE eat any man's bread for nought, but wrought with labor and travail, night and day; that we might not be chargeable to any of you; not because [*says he*] we have not power, but to make ourselves an ENSAMPLE unto you to follow us; for even when we were with you, this we commanded you, that if any would not work, neither should he eat." 2 Thess. iii. 8, 9, 10.

Those Ministers of the Gospel, therefore, abuse this power, who make their preaching chargeable, if by any means they can support themselves; for this Apostle further says, "What is my reward then? verily, that when I preach the Gospel, I may make the Gospel of Christ without charge, that I abuse not my power in the Gospel." 1 Cor. ix. 18. Thus the Apostle and his fellow-laborers looked up to God only, for the reward of their spiritual labors; which he thus explains: "Now they do it (*i. e. strive*) to obtain a corruptible crown; but we an incorruptible." v. 25.

It is objected on this occasion, that the Apostle received relief from the brethren of Philippi as well as from others, when he did not preach. The reply is, that this relief consisted of voluntary and affectionate presents, sent to him when in circumstances of distress.[1] In this case he states that he never desired these gifts, but that it was pleasant to him to see his religious instruction produce a benevolence of disposition that would abound to their own account.

[1] Philip. ix. 14—16.

The Apostle Peter is the only other person that is mentioned in the New Testament as speaking on this subject. Writing to those who had been called to the spiritual oversight of the churches, he advises as follows: "*Feed the flock of God which is among you, taking the oversight thereof, not of constraint, but willingly; not for filthy lucre, but of a ready mind; neither as being lords over God's heritage, but being examples to the flock; and when the chief Shepherd shall appear, ye shall receive a crown of glory that fadeth not away.*" 1 Peter v. 2. And he makes it a characteristic of false teachers, that, "*Through covetousness shall they with feigned words make merchandize of you.*" 2 Peter ii. 3. Upon which words of these Apostles, three observations arise: That Ministers should not make a gain of the Gospel;—that they should look to God only for their reward, viz. *an incorruptible crown of glory*;—and that Peter himself must have preached, like Paul, without fee or reward, or he could not, consistently, have recommended such a practice to others.

From the examples, therefore, and precepts, of Jesus Christ, and of the Apostles Paul and Peter, the following conclusions are drawn: First, that God raises up his own Ministers.—Secondly, that these are to dispense his Gospel freely.—Thirdly, that they are to take, wherever they are received, such things as are given them, (which things they deserve while in the exercise of their calling, as much as the laborer his hire,) but that no bargains are to be made about religion; that they are not to compel men to give, neither are they to take away any thing from those who are unwilling to receive them; but in this case to go their ways, and shake the dust from their feet against them; or, in other words, to declare that they have done their own duty in going to them with the word of exhortation, and that the fault lies with them in refusing to hear it. Neither, when they return from their missions, or are idle at home, are they to receive any thing, but to use their own scrips, and purses, and clothes.—And, fourthly, that though it be lawful for them to receive such sustenance under such limitations, during the exercise of their ministry, it would be more consistent with the spirit of Christianity if they would give their spiritual labors freely, and look up to God for their reward; thus avoiding the character of false teachers, and the imputation of an abuse of their power in the Gospel.

Now these conclusions seem to have been sanctioned, in a great measure, by the primitive practice for the first three centuries of the Christian Church, or till the darkness of apostacy began to overwhelm it.

In the very early times of the Gospel, many Christians, both at Jerusalem, and Alexandria, in Egypt, sold their possessions, and

lived together on the produce of their common stock. Others, in Antioch, Galatia, and Pontus, retained their estates in their possession, but established a fund, consisting of weekly or monthly offerings, for the support of the Church. This fund continued in after-times: but it was principally for the relief of poor and distressed Saints, in which the Ministers of the Gospel, if in that situation, might also share. Tertullian, in speaking of such funds, gives the following account: "Whatsoever we have," says he, "in the treasury of our Churches, is not raised by taxation, as though we put men to ransom their religion; but every man, once a month, or when it pleaseth him, bestoweth what he thinks proper, but not except he be willing. For no man is compelled, but left free to his own discretion. And that which is thus given is not bestowed in vanity; but in relieving the poor; and upon children destitute of parents; and in the maintenance of aged and feeble persons; and of men wrecked by sea; and of such as have been condemned to metallic mines; or have been banished to islands; or have been cast into prison, professing the Christian faith."[1]

In process of time, towards the close of the third century, some lands were first given to the Church.[2] The revenue from these was thrown into the general treasury or fund; and was distributed, as other offerings were, by the Deacons and Elders: but neither Bishops nor Ministers of the Gospel were allowed to have any concern with it. It appears from Origen, Cyprian, Urban, Prosper, and others, that if in those times such Ministers were able to support themselves, they were to have nothing from this fund. The fund was not for the benefit of any particular person. But, if such Ministers stood in need of sustenance, they might receive from it; but they were to be satisfied with simple diet, and necessary apparel. And so sacred was this fund held to the purposes of its institution, that the first Christian Emperors, who did as the Bishops advised them, had no recourse to it, but supplied the wants of Ministers of the Gospel from their own revenues; as Eusebius, Theodoret and Sozomen relate.

The Council of Antioch, in the year 340, finding fault with the Deacons, relative to the management of the funds of the Churches, ordained that the Bishops might distribute them, but that they should take no part of them to themselves, or for the use of the Priests and brethren who lived with them, unless necessity required it, using the words of the Apostle, "Having food and raiment, be therewith content."

In looking at other instances which have been cited, I shall mention one which throws light for a few years further upon this subject. In the year 359, Constantius the Emperor having sum-

[1] Selden, c. iv. § 1. [2] Ibid.

moned a general council of Bishops to Ariminum in Italy, and provided for their subsistence there, the British and French Bishops, judging it not decent to live on the public, chose rather to live at their own expense. Three only, out of Britain, compelled by want, but yet refusing assistance offered to them by the rest, accepted the Emperor's provision, judging it more proper to subsist by public, than by private support. This delicate conduct of the Bishops is brought to show, that where Ministers of the Gospel had the power of maintaining themselves, they had no notion of looking up to the public. In short, in those early times, Ministers were maintained only where their necessities required it, and this out of the fund of the poor. Those who took from this fund had the particular appellation given them of "Sportularii," or "Basket-Clerks," because, according to Origen, Tertullian, Cyprian, and others, they had their portion of sustenance given them in baskets. These portions consisted but of a small pittance, sufficient only for their livelihood; and were given them on the principle laid down by Matthew, that the Ministers of Jesus Christ were to eat and drink only such things as were set before them.

In process of time new doctrines were advanced relative to the maintenance of the Ministers, which will be hereafter explained. But as these were the inventions of men, and introduced during the apostacy, no reason appears why these should be held in preference to those of Jesus Christ and of his Apostles, and to the practice of Christians in the purest periods of the Church. On the other hand, it appears that the latter only are to be held as the true doctrines. These were founded in divine wisdom, on the erection of the Gospel Ministry, and were unmixed with the inventions of men. They were founded on the genius and spirit of Christianity, and not on the genius or spirit of the world.

CHAPTER IV.

History of Tithes from the Fourth Century to the reign of Henry VIII., when they were definitively consolidated into the Laws of the Land.

It has already appeared that, between the middle and the close of the fourth century, such Ministers of the Gospel as were able, supported themselves, but that those, who were not able, were supported out of the fund for the poor. The latter, however, had no fixed or determined proportion of this fund allotted them, but had only a bare livelihood from it, consisting of victuals served out to them in baskets, as before explained. This fund, too, consisted of voluntary offerings, or of revenues from land voluntarily bequeathed. And the principle, on which these gifts or voluntary offerings were made, was the duty of charity to the poor. One

material innovation, however, had been introduced, as I remarked before, since its institution; namely, that the Bishops, and not the Deacons, had now the management of this fund.

At the latter end of the fourth century, and from this period to the eighth, other changes took place in the system of which I have been speaking. Ministers of the Gospel began to be supported, all of them without distinction, from the funds of the poor. This circumstance occasioned a greater number of persons to be provided for than before. The people, therefore, were solicited for greater contributions than had been ordinarily given. Jerome and Chrysostom, from good and pious motives, as it appears, in turn exhorted them to give bountifully to the poor, and double honor to those who labored in the Lord's work.[1] And though they left the people at liberty to bestow what they pleased, they gave it as their opinion that they ought not to be less liberal than the ancient Jews, who, under the Levitical law, gave a tenth of their property to the priesthood and to the poor.[2] Ambrose, in like manner, recommended tenths as now necessary, and as only a suitable donation, for these purposes.

The same line of conduct continued to be pursued by those who succeeded in the government of the Church, by Augustine, Bishop of Hippo, by Pope Leo, by Gregory, by Severin, among the Christians in Pannonia,[3] and by others. Their exhortations, however, on this subject, were now mixed with promises and threats. Pardon of sins, and future rewards, were held out on the one hand; and it was suggested, on the other, that the people themselves would be reduced to a tenth; and the blood of all the poor who died would be upon their heads,[4] if they gave less than a tenth of their income to holy uses. By exhortations of this sort, reiterated for three centuries, it began at length to be expected of the people that they would not give less than tenths of what they possessed. No right, however, was alleged to such a proportion of their income, nor was coercion ever spoken of. These tenths, also, were for holy uses, which chiefly included the benefit of the poor. They were called the Lord's Goods, in consequence, and were also denominated the Patrimony of the Poor.

Another change took place within the period assigned, which must now be mentioned as of great concern. Ministers of the Gospel now living wholly out of the tenths, which, with legacies, constituted the fund of the poor,—a determined portion of this fund, contrary to all former usage, was set apart for their use. Of this fund one-fourth was generally given to the poor; one-fourth to the repairs of monasteries, abbays, and other ecclesiastical buildings; one-fourth to officiating Ministers; and one-fourth to

[1] Selden, c. v. § 4. [2] Ibid. [3] Ibid. ch. v. § 1. [4] Ibid. ch. v. § 4.

the Bishops with whom they lived. Hence the maintenance of the Ministers, as consisting of these two orders, and the repairs of monasteries, &c. took now the greatest part of it; so that the face of things began to be materially altered. For whereas formerly this fund went chiefly to the poor, out of which Ministers of the Gospel were provided, it now went chiefly to the latter, out of which there came a provision for the poor. Another change must be noticed with respect to the principle on which the gifts towards this fund were offered. For whereas tenths were formerly solicited, on the Christian duty of charity to the poor, they were now solicited on the principle that by the law of Moses they ought to be given for holy uses, in which the benefit of the fatherless, the stranger, and the widow, was included. From this time I shall use the word Tithes for tenths, and the word Clergy instead of Ministers of the Gospel.

In the eighth century, matters were as I have now represented them.[1] The people had been brought into a notion that they were to give no less than a tenth of their income to holy uses. Bishops, generally, at this time, and, indeed, long previous to this, lived in monasteries.[2] Their Clergy also lived with them in these monasteries, and went from thence to preach in the country within the diocese. It must also be noticed, that there were at this time other monasteries, under abbots or priors, consisting mostly of lay-persons, and distinct from those mentioned, and supported by offerings and legacies in the same manner. The latter, however, not having numerous ecclesiastics to support, laid out more of their funds than the former were enabled to do towards the entertainment of strangers, and towards the support of the poor. Now it must be observed, that when these two different kinds of monasteries existed, the people were at liberty to pay their tithes to either of them, as they pleased; and that, having this permission, they generally favored the latter. To these they not only paid their tithes, but gave their donations by legacy. This preference of the lay-abbeys to the ecclesiastical, arose from a knowledge that the poor, for whose benefit tithes had been originally preached up, would be more materially served. Other circumstances too, occurred, which induced the people to continue the same preference. For the Bishops in many places began to abuse their trust, as the Deacons had done before, by attaching the bequeathed lands to their sees; so that the inferior Clergy and the poor became in a manner dependent upon them for their daily bread.[3] In

[1] Selden, ch. ix. § 2. In process of time, as the Bishops became otherwise provided for, the fund was divided into three parts, for the other three purposes just mentioned.

[2] Ibid. ch. 4. § 1

[3] Ibid. ch. x. § 2.

other places the Clergy had seized all to their own use. The people, therefore, so thoroughly favored the lay-abbeys in preference to those of the Church, that the former became daily richer, while the latter did little more than maintain their ground. This preference, however, which made such a difference in the funds of the ecclesiastical and of the lay-monasteries, was viewed with jealous eye by the Clergy of those times, and measures were at length taken to remove it. In a council under Pope Alexander the Third, in the year 1180, it was determined that the liberty of the people should be restrained with respect to their tithes. They were accordingly forbidden to make appropriations to religious houses without the consent of the Bishop in whose diocese they lived.[1] But even this prohibition did not succeed. The people still favored the lay-abbeys, paying their tithes there, till Pope Innocent the Third, in the year 1200, ordained, and he enforced it by ecclesiastical censures, that every one should pay his tithes to those who administered to him spiritual things, in his own parish.[2] In a general council, also, held at Lyons in the year 1274, it was decreed, that it was no longer lawful for men to pay their Tithes where they pleased, as before, but that they should pay them to Mother Church.[3] And the principle, on which they had now been long demanded was confirmed by the Council of Trent under Pope Pius the Fourth, in the year 1560, which was, that they were due by divine right.[4] In the course of forty years after the payment of tithes had been forced by ecclesiastical censures and excommunications, prescription was set up. Thus the very principle in which Tithes had originated was changed. Thus free-will offerings became dues to be exacted by compulsion. And thus the fund of the poor was converted almost wholly into a fund for the maintenance of the Clergy.

Having now traced the origin of tithes, as far as a part of the continent of Europe is concerned, I shall trace it as far as they have reference to our own country. And here I may observe, in few words, that the same system and the same changes are conspicuous. Free-will offerings and donations of land constituted a fund for the poor, out of which the clergy were maintained. In process of time, Tithes or tenths followed. Of these certain proportions were allowed to the clergy, the repairs of buildings, and the poor. This was the state of things in the time of Offa, king of Mercia, towards the close of the eighth century, when that prince, having caused Ethelbert, king of the East Angles, to be

[1] Selden, ch. vi. § 2. [2] Ibid. ch. vii. § 1.
[3] Ibid. ch. vii. § 1. [4] Ibid. ch. vii. § 4.

treacherously murdered; fled to the Pope for pardon; to please whom, and to expiate his own sin, he caused those tithes to become dues in his own dominions, which were only at the will of the donor before.[1]

About sixty years afterwards, (anno 855,) Ethelwolf, a weak and superstitious prince, was worked upon by the Clergy to extend Tithes as dues to the whole kingdom; and he consented to it, under a notion that he was thus to avert the judgments of God, which they represented as visible in the frequent ravages of the Danes.[2] Poor laymen, however, were still to be supported out of these tithes, and the people were still at liberty to pay them to whatever religious persons they pleased.

About the close of the tenth century, Edgar took from the people the right of disposing of their Tithes at their own discretion, and directed that they should be paid to the parish-churches. But the other monasteries or lay-houses resisting, his orders became useless for a time. At this period the lay monasteries were rich, but the parochial Clergy were poor. Pope Innocent, however, by sending out his famous decree, before mentioned, to king John, which was to be observed in England as well as in other places under his jurisdiction, and by which it was enacted that every man was to pay his Tithes to those only who administered spiritual help to him in his own parish, settled the affair; for he set up ecclesiastical courts, thundered out his interdicts, and frightened both king and people.[3]

Richard the Second confirmed these Tithes to the parishes as thus settled by this Pope; but it was directed by an Act, that, in all appropriations of churches, the Bishop of the diocese should ordain

[1] Selden, p. 201. [2] Ibid. ch. viii. § 4.

[3] To show the principles upon which princes acted with respect to Tithes, in these times, the following translation of a preamble to an Act of King Stephen, may be produced. "Because through the providence of Divine mercy we know it to be ordered, and by the Churches publishing it far and near every body has heard, that by the distribution of alms persons may be absolved from the bonds of sin, and acquire the rewards of heavenly joy,—I, Stephen, by the grace of God, king of England, being willing to have a share with those who, by a happy kind of commerce, exchange heavenly things for earthly, and smitten with the love of God, and for the salvation of my own soul, and the souls of my father and mother, and all my forefathers and ancestors, &c." Selden, c. ii. § 4.

Indeed, the history of Tithes, as exhibited by the learned Selden, is a melancholy history of the artifice and priestcraft of Rome, exerted against the ignorance and superstition of mankind; containing a series, first of persuasions, then of demands; accompanied with benedictions both for this life, and for that which is to come, on the faithful, and with curses on the unfaithful; still, however, under pretence of pleading the cause of the poor. Thus says Augustine, "Decimæ tributa sunt egentium animarum, redde ergo tributa pauperibus," and many others to the same purpose.

a convenient sum of money to be distributed out of the fruit and profit of every living among the poor parishioners annually, in aid of their living and sustenance. "Thus, it seems," says Judge Blackstone, "the people were frequently sufferers by the withholding those alms, for which, among other purposes, the payment of Tithes was originally imposed." At length Tithes were finally confirmed, and in a more explicit manner, by the famous Act of Henry the Eighth, on this subject. And here I must just observe, that, whereas from the eighth century to this reign, Tithes were said to be due, whenever the reason of them was expressed, by Divine right, as under the Levitical Law,—so in the preamble to the act of Henry the Eighth, they are founded on the same principle, being described therein as "due unto God and holy Church." Which Act has not only never been repealed, but it is frequently referred to in subsequent Acts on the subject. Thus, in our own country, as well as on the continent of Europe, were those changes brought about, which have been described: and they were brought about by the same means; for they were made partly by the exhortations and sermons of Monks, partly by the decrees of Popes, partly by the edicts of Popish Kings, and partly by the determinations of Popish Councils.

It is not necessary that I should trace this subject farther, or that I should make distinctions relative to Tithes, whether they may be rectorial, or vicarial, or whether they may belong to lay-persons. I shall, therefore, proceed to state such conclusions, as in my opinion result from the History of Tithes, and which are of general application to professors of Christianity.

CHAPTER V.

Conclusions deducible from the foregoing Historical Facts.

1st. That the conduct of Abram, in the affair of Melchizedek, cannot consistently be urged in favor of a fixed maintenance for Ministers of the Gospel.

2nd. That Tithes, as a part of the Ceremonial Law, were abolished by Jesus Christ; and, consequently, form no part of the Christian Dispensation.

3rd. That Ministers of the Gospel, in imitation of Christ and his Apostles, are to preach the Gospel freely.

4th. That Tithes were introduced among Christians by the spirit of Anti-Christ.

5th. That they are not in equity dues of the Clergy.

6th. That the payment of them, being compulsory, is an acknowledgment of human authority in matters of religion.

7th. That being claimed upon an Act of Parliament, which holds them forth, as of Divine right, the payment of them is, virtually, an acknowledgment of the Jewish Religion; and a denial of the coming of Christ.

The following conclusions naturally arise from the preceding historical narrative:

First. That by the account recorded of the affair of Abram and Melchizedek, the gift on the part of Abram was purely gratuitous; and as the occurrence took place more than four centuries before the giving of the Law, with which event it does not appear to have had any connexion, it not being once alluded to by Moses, either by way of precedent, or in any other way; and as it occurred nineteen hundred years before the Christian era, it were preposterous to bring forward this act of the Patriarch as a plea for Tithes under the Gospel.

Secondly. That the Levitical priesthood, with all its ceremonial institutions, ceased on the coming of Jesus Christ. But Tithes were a part of these ceremonial institutions; they, therefore, form no part of the Christian Dispensation. That if Tithes are now due, as the Levitical Tithes were, they must be subject to the same conditions. Now the Levites, who had a right to Tithes, previously gave up to the community their own right to a share of the land; but the Clergy claim a tenth of the produce of the lands of others, having given up none of their own. Tithes, by the Levitical law, were for the strangers, the fatherless, and the widows, as well as for the Levites; but the Clergy, by taking Tithes, have taken that which was for the maintenance of the poor, and have appropriated it solely to their own use; thus leaving the poor a *second* burden upon the land.

But the position itself is false: for the Levitical priesthood, and Tithes with it, ceased on the coming of Jesus Christ. It becomes *Christians*, therefore, to make a stand against this doctrine; for, by acquiescing in the notion that the Jewish priesthood extends to them, they virtually acknowledge that the priesthood of Aaron still exists, and that Christ has not actually come.

This latter argument, by which it was insisted upon that Tithes cease with the Jewish Dispensation, and that those who acknowledge them acknowledge the Jewish religion for themselves, has been admitted by many serious Christians. The celebrated John Milton, in a Treatise which he wrote on Tithes, did not hesitate to use it. He says, "Although hire to the laborer be of moral and perpetual right, yet that special kind of hire, the tenth, can be of no right or necessity but to that special labor to which God ordained it. That special labor was the Levitical and Ceremonial service of the Tabernacle, which is now abolished: the right

therefore, of that special hire, must needs be wholly abolished, as being also ceremonial. That Tithes were ceremonial is plain, not being given to the Levites till they had been first offered a heave-offering to the Lord. He, then, who by that law brings Tithes into the Gospel, of necessity brings in withal a sacrifice and an altar; without which, Tithes by that law were unsanctified and polluted, and therefore, never thought of in the first Christian times; nor till ceremonies, altars, and oblations had been brought back. And yet the Jews, ever since their Temple was destroyed, though they have Rabbis and teachers of their law, yet pay no Tithes, as having no Levites to whom, no Temple where to pay them, nor altar whereon to hallow them: which argues that the Jews themselves never thought Tithes moral, but ceremonial only. That Christians, therefore, should take them up when Jews have laid them down, must needs be very absurd and preposterous!

Thirdly. That it appears by the injunctions of our Lord, as well as by the examples of his Apostles Paul and Peter, that the Ministers of the Gospel are to give their spiritual labors freely, "*eating such things as are set before them;*" and "*having food and raiment, to be therewith content;*" that when they are not engaged in the work of the Ministry they are to support themselves, if necessity require it, by their own industry; that they are not authorised to demand, consequently not to *force* a maintenance from others. Therefore any constrained payment on this account, as it is contrary to the intention of Jesus Christ, is an infringement of the great Christian tenet, that Christ's kingdom being of a spiritual nature, the Magistrate has no right to dictate a religion to any one, nor to enforce payment for the same; and, therefore, any legal interference in these matters, which are solely between God and man, is an act of legislation BEYOND THE BOUNDS OF MAN'S JURISDICTION, and is neither more nor less than a USURPATION OF THE PREROGATIVE OF GOD.

Fourthly. That neither Tithes, nor any other impost, were ever demanded for the support of the Ministers of the Gospel, in the earliest and purest periods of the Christian Church; nor until nearly 400 years after Christ: after which time those Charities, which before had been solicited as ALMS FOR THE USE OF THE POOR, were, by the craft and avarice of Romish ecclesiastics, converted to their own use, and demanded, as due to them by Divine right, under the revived appellation of Tithes.

Fifthly. That if Tithes are due at all, they are due to the poor, from whom and they have been forcibly diverted; and to whom, in equity, they should still belong; as no Prince can alter the nature of righteous things: that they are not really due to the Church or Clergy, because God wished them to be so, to expiate his own

crimes; nor because Ethelwolf wished them to be so, from a superstitious notion that he might thus prevent the incursions of the Danes; nor because Stephen wished them to be so, as his own grant expresses, on the principle "that the bonds of sin might be dissolved, and that he might have a part with those who, by a happy kind of commerce, exchange heavenly things for earthly;" nor because the Popes of Rome wished them to be so, from whose jurisdiction all the subjects of England are discharged by law.

Sixthly. That the followers of Jesus Christ are not to be lords over God's heritage. But an acknowledgment of human authority in matters of religion is a defence of the conduct of the High Priest and his kindred, when they commanded Peter and John, "*not to speak at all, nor teach in the name of Jesus*;" and, consequently, it is a reprobation of the conduct of these Apostles for their obstinate reply, viz. "*Whether it be right in the sight of God, to hearken unto you more than unto God, judge ye.*" Acts iv. 18, 19. It is, also, a defence, of every other act of opposition from persons in authority, not only against the Apostles, but also to Jesus Christ himself. Nor is there any point at which such an acknowledgment can stop, short of advocating, not only the cause of Mahomet, but also every species of Idolatry that ever was established, from the golden image of Nebuchadnezzar down to Juggernaut of the present day. It is, therefore, impossible for Christians, *as such*, to pay Tithes, because by every such payment THEY ACKNOWLEDGE THE AUTHORITY OF MAN, AS A LEGISLATOR, WITHIN THE PECULIAR PROVINCE OF GOD.

Seventhly. That all the more modern Acts of Parliament, upon this subject, take the Act of Henry the Eighth as the great ground-stock or legal foundation of Tithes; in the preamble of which it is inserted, that they are "*due unto God and holy Church.*" Now this preamble has never been done away, nor has any other principle been acknowledged instead of that in this preamble, why Tithes have been established by law. It appears, therefore, that Tithes are still collected on the foundation of an assumed Divine right. But Christians, by receiving or paying Tithes on this plea, do virtually renounce their Christianity; and so far, not only acknowledge the Jewish religion for themselves, but are conceding to the modern Jews, that Jesus Christ has not yet made his appearance upon earth; or they are denying his authority as Supreme Legislator in his own kingdom.

I mean to conclude with a few observations on the doctrine that is frequently urged, That Tithes are as really the *Estate of the Clergy*, as the other nine-tenths are the property of the occupier of the land.

If the Tithe-claimant had any interest or title whatsoever in the land, he would necessarily be a party in any deed of sale or tran-

veyance; which is not the case. Not can he control the occupier of any estate in the cultivation of his land; whether to break it up or to lay it down, whether to sow wheat, or barley, or turnip, or vetches; although, in most cases, the interest of the claimant is materially affected thereby. The only claim he has is on the increase, or rather on the *produce*, whether of corn, or grass, or cattle. It is, therefore, a charge solely on the skill, capital, and industry of the farmer; and as one man may possess these in a greater proportion than his neighbour, in that proportion does he contribute more than his neighbour, to the revenue of the Clergy. Besides, the owner of an estate may, if he please, either plant his land with timber, or let it lie wholly neglected and unproductive, in either of which cases there would be *no tithe* to claim. Therefore it is *not the land*, but the capital, skill, and industry of the farmer *merely* that are tithed.

As a further proof of the property or estate of the Clergy in the land, it is frequently advanced that a man purchasing an estate, subject to a Tithe-charge, buys it at a rate proportionately lower than he would if exonerated therefrom. Certainly, he is aware of the demand to which he is liable; and as he has no means of avoiding it, the estate is by so much the less valuable. So also an estate subject to incursions of wolves would be less valuable than one not subject to such a contingency; but it by no means follows, as a *necessary consequence*, that the purchaser, because he buys at a proportionately low price, acknowledges the title of the shaver of the fruits of his industry, in one case, any more than he would in the other.

Should any startle at the parallel I have drawn, I beg such to be assured that it is advanced purely by way of illustration, without the slightest reflection upon any person living; for I have to acknowledge that many of our Clergy are men of the most upright and honorable Characters. But were I speaking of the Clergy of the Church of Rome, by whose artifice and undue influence on the minds of men, these Tithes were obtained from the people, I should be borne out by the Church of England in applying the simile in the strictest sense. When speaking of the oppressive avarice of these men, we find the following expressions:—"The ambitious intents and most subtile drifts of the Bishops of Rome.—These special instruments and ministers of the Devil.—The miserable tyranny, ravery, and spoil of the most greedy Romish Wolves.—God doth curse the blessings, and bless the cursings, of such wicked usurping Bishops and Tyrants."[1]

I am aware that to the preceding questions respecting the right or title of the Clergy, as well as to the further questions, whether

[1] Homilies of the Church of England. Edit. 1817. 5th and 6th Parts of the 33d Homily.

the practice of taking a tenth of *produce*, instead of a tenth of *increase*, be or be not a departure from ancient practice; whether the present system does or does not operate to the discouragement of agriculture, as well as to many other collateral considerations, a ready answer may be given; and that is, *the Laws of the Land*. It was no part of my professed intention to inquire whether our ecclesiastical system is or is not consistent with these laws; but to inquire how far it is consistent with the examples and precepts of the Founder of Christianity, and of his Apostles. If it be admitted that the contrary has been satisfactorily proved in the foregoing pages, it becomes a question for the serious consideration of the Professors and Teachers of Christianity, for Christian Legislators, and for Christian Magistrates, whether they are authorised to enforce any Laws that stand opposed to the Laws and Injunctions of Jesus Christ? how they can answer, in the great day of account, for being instrumental in perpetuating a system of usurpation, instituted in the darkest ages of ignorance and superstition, by men whom they themselves call the "Ministers of the Devil?"—whether the laws of Man will, in that day, be a valid plea in the face of the Precepts and Example of Jesus Christ, whose Disciples they profess to be?

NOTES

ON A VISIT MADE TO SOME OF

THE PRISONS

Scotland

AND

The North of England,

ELIZABETH FRY

WITH SOME GENERAL OBSERVATIONS ON THE

SUBJECT OF PRISON DISCIPLINE.

BY JOSEPH JOHN GURNEY.

SECOND EDITION.

(Continued from Pamphleteer, No. XXIX. p. 260.)

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NOTES ON PRISONS,

&c.

KENDAL BOROUGH JAIL.[1]

THIS small prison appeared to be kept in a state of much cleanliness and order; but the building is so ill arranged that the male debtors and criminals are confined all together, without any separation. This indiscriminate mixture cannot fail to produce the worst consequences; of which the magistrates are sensible, and are now directing their attention to an alteration in the building, by which the fault may be corrected. The women's side of the prison is much more commodious. All the prisoners have the advantage of airy yards to walk in: they are seldom chained: they are regularly visited by a clergyman, and by a medical man when necessary. The jail allowance is lamentably insufficient—only fourpence per day, without firing or clothing.

Those who have been once confined in this jail frequently return to it. This is the almost certain result of their not being classified and not being employed;—the punishment of one offence prepares them for the commission of another.

LANCASTER COUNTY JAIL.[2]

The ancient part of Lancaster Castle consists of four distinct towers. These towers, with a great mass of new building, form the present county jail. The whole is four hundred and nine yards in circumference. The county court and offices take up the west

[1] Visited ninth month 16th, in company with C. Wilson, Esq.

[2] Visited ninth month 20th, in company with John Ford, of Yealand, and Joseph Dockray of Lancaster.

front; the remainder of the building is used wholly as a prison. You enter through the Gateway Tower, which is ancient and very beautiful, into a large court occupied by the debtors, and containing about an acre of ground. The north side of the castle is allotted to male criminals, and consists of seven day-rooms, with sleeping-cells; and six yards converging to a point, at which is placed a small octagon tower of three stories. This tower is occupied by the turnkeys, and commands a complete view over the several yards. In every yard is a reservoir of water, supplied from an engine-pump, which is worked by the prisoners. The yards are paved with flagstones, and the day-rooms and sleeping-cells are all of hewn stone and fire-proof. The female prisoners are kept completely apart from the men, being confined on the south side of the prison. They are at present crowded into a very contracted space, and without any distinction of classes, but new buildings are about to be erected for them, which, when completed, will afford ample opportunity for inspection, classification, and labor,—the three great essentials for a good prison.

On the eastern side is the jailer's house, which commands a general view over the interior of the prison.

The prison is kept in a condition of remarkable cleanliness; the sleeping-cells are well aired, the bedding is good, and no pains are spared to secure the health of those, who are confined here. It was intended that one only should sleep in each cell; but the number of prisoners, who are now crowded into the jail, renders this excellent arrangement wholly impossible.

Their food is bread, gruel, and potatoes. Those who behave well have also a weekly mess of broth with beef in it.

They are all well clothed, and the tried prisoners are distinguished from the untried, by dresses of a different color.

We saw not a chain in the prison. Fetters are never used in it, except for the refractory, and in extreme cases.

There is in this prison an excellent infirmary, regularly attended; also a convenient chapel, in which service is performed four times weekly, and in which the audience is properly classed, the women being separated from the men by a screen across the room.

The chaplains have under their care a library of religious books for the use of the prisoners. No means appear at present to be adapted for the instruction of those amongst them, who are unable to read.

No escape has taken place from this prison for many years but this is owing rather to the kindness as well as vigilance of the governor, than to the security of the building.

Lancaster Castle is made to answer the purpose not only of a county jail, but of a house of correction. It contains two classes

of prisoners; first, the untried, and those sentenced to death or transportation; and secondly, confiners,—persons sent hither for terms of imprisonment and labor. The former of these classes is idle; the latter is employed. The number of the latter was at the time of our visit about one hundred, whom we found distributed in the various work-rooms, and busily occupied, under the care of three inspectors, in weaving, winding, shoe-making, tailoring, &c. All the clothing used in the prison is manufactured by these confiners, who are allowed one-third of their earnings for their own use. Of this third, they have three-fourths weekly, and one fourth when they leave the prison; an arrangement which might with great propriety be exactly reversed. It appears by a statement received from Thomas Higgin, the governor, that of those prisoners who pass their time in idleness, a much greater proportion come back again after being discharged, than of those who are employed. The fact is very important, and admits of an easy explanation. In the one case, the prisoners have constantly before them an useful and innocent object of attention;—in the other, they have nothing to dwell upon, but their own corrupt imaginations. In the one case, they probably become better; in the other, they certainly grow worse:—in the one case, therefore, the commission of new crimes *may be* prevented; in the other, it *must be* promoted.

The employment of *all* the prisoners in this jail is, indeed, an object greatly to be desired. It has been suggested to me, that were the present day-rooms, in the seven compartments already described, raised, and converted into work-shops, and new day-rooms built, adjoining to the octagon tower occupied by the turnkeys, the interior of the new rooms might be placed under inspection, and the system of labor materially facilitated. The great difficulty, however, seems to have arisen from the practice prevailing amongst the magistrates, of sending persons for a term of imprisonment and labor to Lancaster Castle, instead of to the separate and more regular houses of correction. In order to accommodate this class of prisoners, those who properly belong to the county jail are very much crowded, and neither classification nor employment can be effectually introduced among them.

Were this difficulty removed, as I trust it will be, the number of prisoners would be materially lessened; and the most reasonable hopes might be entertained, both from the enlightened views of the governor, and from the facilities afforded by the prison, that this Castle would become in an eminent degree, a house of reformation.

PRESTON HOUSE OF CORRECTION.[1]

This extensive prison belongs to the county of Lancashire; and contained, at the date of our visit, one hundred and fifty male, and eighty female prisoners. The governor, W. Liddell, who had occupied his post since the commencement of the year 1817, has met with great success in two respects. He has, by his kindness, gained the hearts of his prisoners, of which we observed some very interesting instances; and he has contrived to provide them all with full employment. The consequence is, that he governs with comfort to them, and facility to himself.

About one thousand persons are computed to pass through this house of correction in the course of the year: and many of them learn in it, those habits of industry, and that knowledge of a trade, by which they are enabled respectably to maintain their families, when they leave it.

When the term of imprisonment, to which any persons committed to this bridewell are sentenced, is one of considerable duration, they are taught, on their first entry into the prison, to weave cotton, and they soon become proficients in the art; for it appears that at the end of one month they are generally able to earn the whole amount expended for their food. Those, on the other hand, who are committed for short periods, aged people, women with children at the breast, and vagrants, are employed in picking and cleaning cotton,—an occupation not nearly so productive of profit, but equally effectual in preventing that total and destructive idleness, to which, even in our better jails, these classes of prisoners are almost always exposed. *With the exception of invalids, there was not, at this time, one idle hand in the prison.*

The prisoners are allowed one-fourth of their earnings; no part of which, whilst they continue in confinement, is allowed to be given them in money; but if they stand in actual need of any articles of clothing, which are not allowed by the prison, these articles are purchased for them as cheaply as possible, and the cost deducted from the amount paid to the prisoners when they are discharged. It is no unusual case for an individual, on quitting the prison, to receive as much as four, five, or six pounds sterling.

Still further to encourage the habits of industry amongst these unfortunate persons, it is the custom of the governor to offer premiums for good conduct and extra work. These premiums usually consist of a little additional food; and, however small, are found to produce a very material effect. One man was pointed out to us, who, though at one time strongly addicted to idle habits, continued

[1] Visited ninth month 21st, in company with Roger Carus Wilson, vicar of the town.

to behave well, and work industriously, for two months, on condition of receiving at the end of that period two extra loaves of bread. He kept to his agreement; and was, when we saw him, under a similar contract for two months more. I have since learned, that he continues the same system: — ere long, his habits of virtue and industry will, in all probability, be fixed.

The prisoners work ten hours daily in summer, and six hours in winter; certain intervals being allowed in the course of the day for meals and recreation. The whole manufactory is conducted under the care of four inspectors.

We were introduced, successively, to several yards of various sizes, round which are built a great number of small workshops, every workshop containing, for the most part, only one prisoner. The felons, and those who have committed only misdemeanors, are confined in distinct parts of the prison. Amongst the women (who are entirely separated from the men) no classification is attempted. They work in companies, which are severally under the superintendence of one of their own number, who is elected monthlyess. The females were engaged chiefly in picking cotton. These poor women evinced much feeling. They were evidently softened and improved by the kindness which they here experienced, and to which they bore an ample testimony: they also manifested the most lively pleasure, when we drew out the idea of their being visited, like the female prisoners in Newgate, by a Committee of Ladies.

The sleeping-cells in this bridewell are ranged on one side of long corridors, which are open on the other to the external air. Thus, these cells are very airy. We found them provided with good bedding, and, like the rest of the prison, in a condition of much cleanliness. We were sorry to understand that two persons sleep in every cell,—a most undesirable arrangement, arising, as usual, from the want of more room. The infirmary consists of four apartments,—a sick and a convalescent room for the men, and the same for the women,—and is regularly attended by an apothecary.

It is necessary that prisoners, who work hard, should be well fed. This is the case with those at Preston. Every individual has twenty ounces of good bread daily, besides a quart of gruel for breakfast, and the same for supper; and for dinner a quart of soup, which on certain days of the week is exchanged for a moderate allowance of boiled beef and potatoes, or of cheese. These prisoners are also properly clothed, when they continue for any length of time in the house.—They are bathed occasionally, and their linen is changed weekly. No irons are used here, except in cases of emergency.

There are two circumstances connected with this house of correction, which clearly evince the excellence of that system, on which it is conducted. The first is, that the earnings of the prisoners save the county a very considerable expense; for they amount to more than half the sum disbursed for the prison.

The disbursements for twelve months, ending in October, 1818, amounted to 2,684*l.* 4*s.* 10*d.*;—the earnings, during the same period, to 1,495*l.* 13*s.* 10*d.*

It appears, by another statement, that the whole cost of food consumed in the prison, is defrayed, within a small trifle, by these earnings.

The cost of food, for the half-year ending
Oct. 21st, 1818, was - - - 946*l.* 19*s.* 5*d.*

The amount of earnings, for the same period, 940*l.* 12*s.* 10*d.*

The other circumstance to which I allude, is the small number of re-commitments. Of the felons who are committed to this prison, only four per cent. return to it. Of the misdemeanants, those who are re-committed are somewhat more numerous; but, on putting the two classes together, the average of returns upon the whole number is not considered to exceed *five in the hundred.* This fact affords a substantial proof, that the management, which is adopted in this house of correction, and which is attended by an unusual degree of comfort to the prisoners, has no tendency to bring them back again to prison: but, on the contrary, that it weans them from those vicious and indolent habits, which are the real source of crime.

We have, indeed, in the course of our journey visited no prison, which appeared to us to be so much a house of reformation, as the bridewell at Preston. More completely, however, to effect that great object, one thing seems wanting;—namely, more religious care and instruction.

The prisoners meet for divine worship only once in the week; and there is no school in the prison. The constant superintendence which might be exercised over them, and especially over the women, by a committee of diligent and benevolent visitors, would, probably, produce the happiest effects, in leading them from darkness to light, and from a course of evil to one of virtue and religion.

LIVERPOOL JAIL.

The jail at Liverpool is very extensive, and was originally built

* Visited ninth month 23d, in company with Edward Falkner, Esq., John Moss, Esq., and James Hamer, clerk, who are all magistrates of the county, besides other gentlemen and ladies.

for the use of the borough. At the breaking out of the war with France, it was hired by Government, as a depôt for French prisoners, and continued to be so occupied until the peace of Amiens. About eight years ago it was again opened as a borough jail; but in the summer of 1817 one half of it was let to the county, as a house of correction. The prison may therefore now be considered as consisting of two departments: the one, the county house of correction; the other, the jail for Liverpool. Both are under the care of the same governor; an individual truly zealous to promote, by every means in his power, the well-being of his prisoners. This prison was built upon the plan recommended by Howard; and consists of the governor's house, and six other distinct and uniform buildings, diverging from that house as from a centre. In each of these six compartments there is the usual provision of day-rooms, sleeping-cells, and airing-grounds.

The sleeping-cells are too much crowded. In some of them, indeed, the prisoners sleep singly; but others are fitted up with barrack-bedsteads, which extend from wall to wall, and accommodate three persons. A straw mattress, a blanket, and two rugs are allowed for each bed.

There are in this prison a good infirmary and a commodious chapel, and both medical and clerical attendance is regularly given.

The diet of the prisoners is very similar to that in the house of correction at Preston; bread and gruel for breakfast and supper, and for dinner broth, and occasionally a small portion of beef with potatoes. A jail dress is allowed, and pains are taken to ensure the cleanliness both of the prison and its inmates.

Great efforts have been made by the magistrates for the improvement of that part of the prison, which is a house of correction for the county; and these efforts have been directed chiefly to the two great points of instruction and employment. To promote the former of these objects, Dr. Bell's system has been adopted.—A school-master attends the prison twice in the week, and the prisoners read the Scriptures every morning in classes. Each class is under the care of a monitor selected from amongst themselves. With regard to employment, notwithstanding the unaccommodating nature of the building, much has already been effected. Several workshops have been erected, and fitted up with looms. The women are occupied in picking cotton, washing or mending; the boys in winding cotton; the men in weaving, carpentering, shoe-making, &c. Every prisoner is encouraged to pursue the handicraft to which he has been accustomed; and sharp tools, when necessary, are suffered to be used, without any

evil results. When prisoners are treated with kindness and closely occupied, such instruments will seldom be found dangerous. The prisoners here are allowed one-fourth of their earnings, half of which proportion is paid to them weekly, and half laid up for them against the period of their discharge. The efforts which I have now described have produced very encouraging consequences; a great improvement has already taken place in the prisoners; and the governor assured us, *that the management of them does not now entail upon him half the trouble, which it did before they were employed.*

In the Borough jail, the old system of prison discipline is pursued without alteration or amendment. The prisoners are indeed tolerably well classified, the women being separated from the men, the tried from the untried, the misdemeanants from the felons; but all of them, with but little exception, are in a state of complete idleness; nor has any plan been adopted for the instruction of the ignorant.

It is singular that two opposite systems should be thus pursued under the same superintendence and in absolute contact with each other.

We were sorry to learn that there are some circumstances connected with a legal question between the borough and the county, which have hitherto prevented the employment of prisoners in this jail. But it may be hoped that the obstruction will soon be removed, and that the governor will be encouraged to introduce into the jail, those plans which have been found to produce so excellent an effect in the house of correction.

During our stay at Liverpool the magistrates kindly permitted us to form a Committee of Ladies, who are now engaged in visiting and superintending the numerous females in this large prison. It was highly interesting to observe how much these unhappy women rejoiced in the prospect of being thus watched and protected; and with what ready eagerness they gave their voices in favor of all the regulations proposed to them by the Committee. I have since heard that the alteration for the better which has already taken place amongst them, is very conspicuous.

A new county house of correction is about to be erected, on an excellent site, within two miles of Liverpool. The assiduity and liberality of the magistrates, to whom we were introduced, afford fair ground for the expectation, that great good will result from this important undertaking.

MANCHESTER.[1] THE NEW BAILEY.

The original prison consists of four wings or departments, which

[1] Visited ninth month 26th, 1818, in company with one of the magistrates and David Dockray of Manchester.

diverge from a central octagonal building, and correspond with four of its sides. The central building contains rooms formerly occupied by the governor, an hospital, a chapel, and a turnkey's office, which commands a view over the airing-grounds connected with each of the four wings. These wings are three stories high, and severally consist of day-rooms, and three double rows of well-ventilated sleeping-cells. There are also detached buildings, which contain fourteen solitary cells and fifty-seven workshops.

The prison now described having been found wholly insufficient to contain the number of prisoners committed to it, another has lately been erected within the same inclosure on a more extensive scale. This new building is in the form of a crescent or semicircle, the area of which is divided into nine yards; every yard being provided with a privy, and a pump for supplying the prisoners with water. The ground-floor of the prison contains nine day-rooms corresponding with the yards; and with every day-room are connected a separate staircase and a range of convenient sleeping-cells. Behind the main building is placed a corresponding crescent, which contains ninety workshops. The several classes of prisoners pass to and from their respective workshops and sleeping-cells, without having the opportunity of any intercourse or intermixture one with another. At one end of the semicircular prison are placed two hospitals for males and females respectively; and at the other are convenient offices for cooking, washing, &c. In the centre of the base of the semicircle is a turnkey's lodge, through which are the entrances into the nine divisions of the prison, and near it is a round tower. In the upper story of this tower is the governor's office, from which he has complete inspection over the yards; and on the ground-floor an excellent chapel, arranged so as to preserve during the time of worship the same classification, as is adopted in the prison.

A boundary wall twenty-seven feet high surrounds both the new and old prison; and incloses an area of 25,400 square yards.

In the old prison are confined the females, who appeared very much crowded together, and some of the male misdemeanants. The new buildings are appropriated entirely to male prisoners.

The tried women are not separated from the untried, the only division of these females being that of misdemeanants from felons. Amongst the men, the classification is much more complete; for, the misdemeanants are divided into three classes, and the felons into six. These classes are as follow:

MISDEMEANANTS.

1. Those under convictions of courts, and also summary convictions of magistrates.

2. Those committed for disobeying orders in bastardy.

3. Those for trial, or committed for want of sureties.

FELONS.

1. The untried of unknown character.

2. The untried, who have been in the prison before, or who have a notoriously bad character.

3. Convicts sentenced to imprisonment for less than six months.

4. Convicts sentenced to imprisonment for six months and less than twelve months.

5. Convicts sentenced to imprisonment for twelve months.

6. Convicts sentenced to imprisonment for eighteen months and upwards.

There is no separation between adults and juvenile offenders. Monitors are selected from the most orderly and confidential prisoners to superintend the several classes.

The sleeping cells in this prison, three hundred and eighty-two in number, were intended every one for an individual; but as the average number of prisoners is not now less than *five hundred*, it is no longer possible to adhere to so desirable an arrangement. A straw mattress, a rug, and two blankets are allowed for every bed.

The prisoners are supplied with firing, and the felons and convicts have a full dress. Their food is as follows: one pound and a half of bread daily; for breakfast a quart of oatmeal gruel; the same for supper; for dinner (on three days) half a pound of beef and one pound of potatoes; on three other days, a quart of pease soup; and on the remaining day, a quart of broth or stew. This allowance of food appears more than sufficiently plentiful for those prisoners who are unemployed. The governor however considers that it prevents disease; an opinion which is supported by the fact, that there has been only one instance in the prison of infectious fever during the last twenty-four years, and this instance was occasioned by the admission of an infected prisoner. This circumstance is the more remarkable, as the prison has on certain occasions been crowded to excess. Before the new buildings were erected, *752 persons were at one period confined in 150 cells, those cells being severally intended only for one inmate!*

The good health, which has prevailed so constantly in the New Bailey, may however be attributed, not only to the excellence

and quantity of the food, but also to good ventilation, frequent white-washing, and great cleanliness.

No irons are used in this jail, except in cases of refractory conduct. The prison is properly supplied with Bibles and Testaments; but no means are provided for the instruction of the ignorant, and the prisoners are assembled for divine worship only once in the week. Here is a great deficiency in a very essential point.

The work-rooms are fitted up with looms, weaving being the principal occupation of those prisoners who are employed. At the time of our visit about three-fifths of them were engaged in work, and two-fifths idle. By a later account, however, I find that the proportion of employed prisoners is somewhat increased. They are allowed, on their discharge from prison, a sixth part of their earnings. Untried prisoners are employed as well as convicts. We observed a very considerable space within these premises, as yet unoccupied by buildings; and it is greatly to be desired, that so many new work rooms may soon be erected as will enable the governor to employ *all* his prisoners. This prison has great capacities; were all its inmates employed, and *had they the advantage of more constant religious care and more frequent instruction*, there is reason to believe that it would produce effects which would every year render it less and less necessary to the public. At present, it is but too clearly proved by the number of recommitments, *which form more than a fourth part of the commitments*,[1] that the New Bailey cannot be numbered amongst the houses of reform. The corruption of morals, which prevails in Manchester and its neighbourhood, is indeed very terrible. The district for which the New Bailey serves as a prison is said to contain 250,000 inhabitants; and I am informed by the governor that no less than 2,000 offenders of various descriptions, that is, *one hundredth part of the whole population*, pass through this jail in the course of the year; and of these about one-third are felons.

This alarming extent of criminality may be in great measure explained by the fact, that the manufacture of the district is chiefly conducted in numerous large factories, in which are employed vast numbers of persons of both sexes. This injurious system, which gathers into close association great multitudes of untaught

[1] The circumstances of Manchester and Glasgow, with respect to trade, population, &c., are very similar. In the jail at Manchester a large proportion of the prisoners are employed, and nearly one-third of those once committed come back again. In that at Glasgow all the prisoners are idle, and *two-thirds* are re-committed.

and often disorderly persons, is unfoundly found to be a fruitful source of misery and crime.

SHEFFIELD.

We inspected two prisons in this populous town. One of them is for debtors only, and was formerly a merchant's warehouse. It contains a good court-yard and a number of convenient apartments, and it appears, on the whole well suited for the purpose to which it is applied.

There is, however, in its arrangements one important fault; namely, that there is no separation during the day between the men and the women debtors.

The other prison is a lock-up-house under the Town Hall, consisting of a small court, in which, on account of its insecurity, the prisoners are not allowed to take exercise, and four cells measuring respectively ten feet square. These cells are fitted up with raised platforms, on which is placed the bedding, that is, some straw and two rugs in each cell; they are tolerably ventilated, and warmed by flues, but were, when we saw them, in a state of very great filth.

Persons are locked up in this little prison immediately on being taken up, and as the sittings of the magistrates are sometimes deferred, frequently continue here for several days before their discharge or committal to York or Wakefield. Such persons, it may be remembered, are very often innocent of the offences imputed to them. Whether innocent or guilty, they ought to be provided with a more comfortable and cleanly lodging. For this purpose their cells should be carefully kept in a state of neatness, and provided with proper bedding. The court-yard also might, at a trifling expense, be rendered so secure, as to afford to these unfortunate persons the opportunity of air and exercise.

WAKEFIELD HOUSE OF CORRECTION FOR THE WEST RIDING OF YORKSHIRE.

The West Riding of Yorkshire is very populous. That it increasingly abounds in crime, a melancholy proof is afforded by the following statement of committals to this house of correction:

Visited ninth month 27th, 1818. Visited ninth month 28th, 1818.

	Number committed.		
1810	406 males	93 females	499
1811	482	161	643
1812	597	221	818
1813	747	198	945
1815	639	158	797
1816	1047	263	1310
1817	1602	278	1880
1818 to Nov. 28			1777

We were informed by the governor, a man of much observation as well as humanity, that the alarming increase of committals, which has taken place within the last two or three years, is accounted for partly by the vast number of discarded soldiers and sailors—persons, who often find it extremely difficult to procure any respectable maintenance in life.

To whatever cause however this increase may be attributed, it accounts for the disorder which prevails in the house of correction. That prison was built to accommodate only 110 prisoners, but the number of those now confined in it frequently amounts to 300. The unhappy consequence is, that the day-rooms, sleeping-cells, and work-rooms are all so much crowded, that evil association prevails over all impediments, and the system of labor is greatly disorganised. The day-rooms are on the ground-floor, the sleeping cells mostly in the upper stories of the building, and the work-rooms on the outside of an extensive corridor or gallery built round the garden behind the prison.

We observed but three day-rooms. One of them, which measures twenty-eight feet by twenty, is allotted to those prisoners who are committed for a single month. Of the other two, both of which are thirty feet long by twenty-two, one is occupied by felons, the other by misdemeanants—in both cases the tried and untried together.

The sleeping-cells are well constructed and airy; and the bedding allowed the prisoners sufficient. On their entry into the prison the prisoners are well washed, and clothed in the jail dress, the dress appointed for each class being distinguished by some particular badge. No irons are used here, except in case of refractory conduct. The prisoners are well fed on porridge, broth and bread, and beef and cheese occasionally. They have the use of a commodious infirmary, and are collected for divine worship twice every week.

The whole prison appeared very cleanly.

Weaving and dressing wool are the principal employments provided in this house of correction. From the earnings of every individual three shillings and sixpence per week is deducted, and of

the remaining sum, half only is allotted to the prisoner. His gains therefore are always very small, and often nothing; and thus he is left without that stimulus to industry, which is of so much importance to the maintenance of a vigorous system of labor.

The workshops were intended every one for a single prisoner; but the increased number of commitments has rendered it necessary that three or four men should work in company. The effect of this circumstance is, that no individual amongst them has full employment, and that their hours of professed labor afford them an easy opportunity of corrupting one another. This however is the case, in a much more terrible degree, with their hours of leisure and recreation. At four o'clock P. M. in the winter, and at six o'clock in the summer, the bell rings as a signal that work is to be suspended. The prisoners are then ushered into their day-rooms, in which they continue uninspected and unemployed until seven o'clock in the winter and eight o'clock in the summer, at which hours they are locked up in their sleeping-cells. This period, as well as the greater part of the sabbath-day, is devoted to noise, jollity, and mischief. We were introduced to the felons' day-room during these evening hours of riot and confusion. It was crowded to excess: and never have we seen a company of prisoners more marked by the appearance of turbulence and desperation.

Much might probably be done for the reformation even of these offenders, if they were divided into smaller companies, fully employed, and visited daily by a few religious individuals, who might induce them to devote some of these dangerous hours of recreation, to useful instruction, and the perusal of the Holy Scriptures.

One thing is very evident,—that in order to prevent the evils which prevail in this prison, additional day-rooms, sleeping-cells, and workshops are indispensably necessary. I am glad it is in my power to report, that there is a great probability of their being provided.

No women are now confined in this prison. A separate house, distant about three hundred yards from the jail, has been fitted up for the reception of females.

The accommodations of this house are by no means adequate; for the day-rooms are too small, and the women are obliged to sleep in large companies, though only one in a bed.

These females are subject to the rules of the house of correction, and are clothed and fed accordingly.

Many of them are employed in making and repairing the linen used in the two prisons. Important benefit would result to these poor women from the superintendence of a matron, and of a visiting Committee of Ladies. At present they are greatly in need of

more constant and more effectual religious care. They are collected for worship once in a week only, and that generally on a week day; and no measures whatever appear to be adopted amongst them for the instruction of the ignorant. This remark is equally applicable to the male prisoners.

About five years ago, three young men belonging to the Society of Friends were committed for one month to the house of correction at Wakefield, for refusing, on a conscientious principle, to serve in the Local Militia, or to pay the fine imposed on them for not serving. Nothing can more strongly evince the necessity of good discipline and careful classification in prisons, than the fact, that virtuous and honorable persons are liable, under any penal law, to be confined in them. Here were three young men brought up in the habits of virtue, and taught to act under the influence of religion, but possibly not yet fully confirmed in their principles, exposed for a whole month to an association of the most lawless and contaminating kind. This was a grievance which could not but occasion them acute and painful suffering. But suffering was not the only danger to be apprehended for them. They might have yielded to the noxious influence which was now extended over them; they might have partaken in the general contamination; they might have become callous to the obscenity and blasphemy by which they were habitually assailed; they might have been returned upon society unfitted for useful and laudable pursuits, and prepared to drink deep into the vices, which tend to its destruction. This however was not the case with these excellent young persons. They employed themselves during their continuance in prison, in minutely observing the scene which was passing before them; and one of them, on being discharged, addressed to the magistrates a Memorial, in which he not only gave a lively description of the condition, in which he found the prison, but, in stating his opinions of the remedy to be applied, displayed views of a very enlightened kind on the subject of prison discipline.

I am unwilling to conclude my account of this house of correction, without making a few short extracts from this interesting Memorial:

"By residing constantly in the prison," he says, "my opportunities for information respecting it were superior to any, which could be obtained by a merely casual visitor, and the observations I then made, assisted by the information I received from others, produced a conviction that one of the great objects of imprisoning criminals—improvement in their morals—was not only not attained, but that their imprisonment apparently confirmed those habits, which it was intended to eradicate. The frequent opportunities which the prisoners have of mixing indiscriminately together is one of the

circumstances most worthy of observation. They are separated into three divisions in the evening; but this partial separation is very far from preventing the ill effects resulting from so much intercourse during the day.... The convicts and those who have not been tried are constantly together; and, as far as I could learn, no difference was observed in the treatment of these classes. From the known character of the inmates of this house it might have been expected that extraordinary pains would be taken to restore them to society, reclaimed from those vices which before rendered them so dangerous; but instead of these wishes being realised, it is often observed by the public, that upon their liberation they are more depraved than before their imprisonment, and that, if they were not rogues when they went in, they generally are when they come out.... It is painful to reflect that so valuable a portion of time as that which occurs on the first day (Sunday) should, under the present management, be rendered rather subservient than otherwise to their already violated habits; the whole of the day, except about three quarters of an hour, during which they are in chapel, being left entirely at their own disposal; so far at least as relates to morality and religion. Immediately upon leaving the chapel, the conduct of the prisoners manifests a total forgetfulness of the day; and it is not unusual to observe the same brawling, ill language, and boisterous behaviour *then*, as at any other time: this is sufficient to obliterate all traces of any serious impressions which might have been made upon their minds by the service in which they have been engaged. The day is spent by many in talking over and boasting of their dishonest actions; by the old in teaching, and by the young in learning, the arts of deception; while others are gaming or knitting.... On the evening of other days of the week the same scene of vice and idleness takes place. The prisoners themselves appear sensible of the ennui resulting from such a situation, and in order in some measure to avoid it they have made use of the following expedient. A set of by-laws has been established by mutual consent, and for the purpose of enforcing them a kind of court is instituted from among the prisoners. Any prisoner accused of violating the laws is brought before this court and tried: if found guilty, he is condemned to receive a certain number of lashes with a rope kept for the purpose. If any fresh prisoner has been committed in the course of the day, he is likewise brought up, informed of the by-laws, and required to subscribe a penny for the support of a newspaper.[1] Should he be destitute of money, they sometimes seize something belonging to him and sell it, and which they oblige him to sing a song or tell a tale; and if he refuses to

[1] The newspaper is now discontinued.

submit, he undergoes a flagellation: the songs are generally of a licentious cast. The intention of all this, according to their own account, is to drown reflection and prevent melancholy, the very reason which renders it highly objectionable. "The prisoners in this house are very much addicted to stealing; a propensity which is carried so far, that everything upon which they can lay their hands with a prospect of its being concealed, becomes a prey to their rapacity, down even to any individual's portion of bread.—Had it not been for the kindness of the governor, who gave us proper notice of this disposition among them, I believe that both my companion and myself would have materially suffered in consequence." Our Memorialist concludes his observations by stating the means which appear to him necessary in order to render such houses as this at Wakefield sufficient for the objects of their institution, viz. "A careful separation of all the different classes of criminals, a judicious and penetrating course of moral and religious instruction, constant employment, and a vigilant suppression of every immorality in conduct and conversation."

Since writing my account of the House of Correction I have received a copy of a most able and interesting Report presented at the adjourned Michaelmas sessions for the West Riding of Yorkshire, by a committee of magistrates, who had been appointed to inquire into the state of that prison. The committee consisted of J. A. Stuart Wortley, Esq., M. P. for Yorkshire; Sir Francis Wood, Bart., and Benjamin Dealtry, Esq. In their Report, these gentlemen, at the same time that they bear a high testimony to the good conduct of the governor, give a forcible description of the very serious evils which, chiefly from its extremely crowded state, have arisen in the prison, and strongly impress the duty of providing those means, by which alone it can be made effectually the purpose of *correction*: "Without these," they say, "a house of correction becomes inevitably a school and nursery of villany; and many, who go into it accused of a first and perhaps a trifling offence, of which they may possibly be declared not guilty, come out of the society, into which they have been forced by the defective accommodations of the prison, *trained and prepared for a more matured course of vice.* That to prevent this is a moral duty imposed upon those, who are in fact from their office, responsible to the Riding for the defects in the prison, there can be no doubt in the mind of any person, who thinks at all upon such subjects; and when we consider the description of faults (crimes they cannot be called) for the commission of which we are daily called upon to send persons into confinement, such as quarrels between masters and workmen, misbehaviour of apprentices, disobedience of orders of bastardy, and several other such, how can we justify to ourselves the leaving the prison so wanting in the opportunities of separation, that these persons must be exposed to pass their periods of confinement in the society of accused and convicted felons and of vagrants? And, what must be our feelings when called upon to pass the sentence of the law upon a criminal perhaps not yet grown to manhood, or but just beginning a course of vice, if, while we are going through the needful act of calling him to a sense of his former misconduct, and expressing the hope that his punishment may lead to his future amendment, we are conscious that we are, *from the neglect of a duty of which the law has not left us even*

YORK, CITY JAIL.

This jail is a new, and in some respects a commodious building, and is kept in a state of great cleanliness by George Rylah, the jailer, and his wife, who also bear the character of real benevolence towards their prisoners.

There is a good day-room, and an airy court-yard for men and women prisoners respectively; but no further classification is attempted. There were at this time but four criminals in the prison, one woman and three men. No regular provision exists in this jail for the employment of the prisoners; but the woman was engaged in needle-work; and one of the men, who was placed in a small room by himself, was carrying on the business of a watch-maker.

The sleeping-cells are well ventilated, and the bedding sufficient. The allowance of food is too scanty, consisting only of one pound and a half of bread and a pennyworth of milk per day. No firing is allowed, and clothing only in cases of particular necessity. The prisoners have been permitted, at their own request, to sleep two in a cell; but there is abundant accommodation for single sleeping; and we were given to understand that it would be enjoined for the future. The male criminals are ironed.

The debtors' apartments in this prison are remarkably pleasant and commodious, far more so than is usually the case. The chaplain gives attendance twice in the week.

The House of Correction, which we visited on the same day, and in company with the same gentlemen, also belongs to the City and Liberties of York, and is a place of confinement for petty offenders before trial, as well as for those who have been sentenced to a term of imprisonment. The building is of a construction [illegible] in fact consigning him to an imprisonment, during which it is almost certain that all the good principles still left in him, will be destroyed, and that he will acquire those acquaintances and lessons, which will fit him for other and more atrocious crimes. The committee [illegible] Report, by recommending the expenditure of about 25,000l. in order to extend and improve the prison.

This Report appears to have been cordially received and agreed to by a very [illegible] assemblage of magistrates, who resolved accordingly, "That the deputy clerk of the peace do give directions to the surveyor to indict the house of correction, as insufficient, at the ensuing Lent Assizes."

It is [illegible] to add, that these proceedings deserve the warmest [illegible]. When we see our magistrates coming forward to promote the right system of discipline, on principles so correct, and with so much [illegible] liberality, and vigor, what may we not hope for of improvement and reformation in our prisons?

Visited in the month [illegible], in company with the Aldermen Wilson and Peacock, Samuel Tuke of York, and several others.

remarkably convenient. It is hexagonal, and divided into six departments; the governor's house being placed in the centre. In every department there is a range of airy night-cells, (in which, for the most part, the prisoners sleep singly,) a well sized court-yard, a day-room, a work-room, an apartment for the sick, and a cell for the solitary confinement of refractory prisoners. Every room in the governor's house commands a view over two of the court-yards, the consequence of which is, that these yards, and all that passes in them, are almost constantly under actual inspection. The chapel, which is in the second story of the governor's house, admits of no separation between the men and women.

Of the six divisions of this prison, one is for women, and the other five for men; the male convicts or confiners are separated from the untried prisoners; but no further classification appears to be effected. All parts of the prison are kept in a state of much neatness and cleanliness.

The prisoners meet for worship twice in the week. They are never ironed. Their allowance of food is the same as that of the prisoners in the jail.

Some attempt has been made towards the employment of the tried prisoners; but the system has at present by no means been carried into full effect. The work which has hitherto been provided is called hickling. It is a step in the manufacture of hempen cloth, by which an individual when fully employed is able to earn only threepence per day. Even of this work, however, so little is procured, that many of the convicts are doing little or nothing, and the untried prisoners are totally idle.

As this house of correction is provided with several work-rooms, it is much to be lamented that all classes of the prisoners should not be fully employed. The attention of the magistrates is, at present, much directed to this important object; and there is reason to expect that by the introduction of a few looms into the prison, with the help of brush-making, shoe-making, turning, and other handicraft trades, the present deficiency will soon be remedied.

A Committee of Ladies has been formed, with the sanction of the Lord Mayor and Aldermen of York, for the purpose of superintending the females in the two prisons which I have now described; and it may be hoped that a similar care will be extended over the male prisoners. When this object is effected, and sufficient employment provided, there will be little to prevent either of these prisons from becoming places of reform—prisons tending to the diminution of crime.

In the course of the foregoing notes on the various prisons

which we visited, it has been necessary for me, in giving a faithful narration of facts, to state some particulars disgraceful in their nature, and injurious in their consequences. In doing this, it has not been my intention to impute blame to any individual, or to any set of men. I am well aware that the subject of prison discipline, like many others of great practical importance, has not, till lately, obtained that notice, on which it has so ample a claim.—Such is the frame of society, and so numerous are the avocations, in which most men are engaged, that subjects of real interest to the welfare of mankind frequently remain disregarded for a long period of time, until some prominent circumstances happen to call them into view. This has been very much the case with prison discipline, which, till of late years, has been little noticed and little understood. Howard, indeed, drew much of the public attention to our prisons, which before his time were generally the sinks of extreme misery and terrible disease. But his efforts, and the efforts which he excited in others, were directed more to the alleviation of distress than to the diminution of crime; more to the maintenance of the prisoner's health than the reformation of his morals. Undoubtedly all these objects found a place in the views of that great and enlightened philanthropist: but public sentiment on the more important points had made but little progress; and a judicious system of kind superintendence, of careful religious instruction, and of constant employment, was then but little contemplated. It is not, therefore, a subject of astonishment, that so many of our prisons are inadequate, in their present state, to the great purposes of reform.

Now, the case is widely different: the public attention is fully awake to the subject; much light has been thrown upon it, and the true principles of prison discipline are beginning to be generally understood. It is granted on all hands, that if we would diminish crimes we must give to our punishments a tendency to reform criminals; and that, in our prisons in particular, this tendency can be no otherwise promoted, than by a regular system of inspection, classification, instruction, and employment. Since such are the circumstances of the case, however we may excuse the mistakes of our predecessors, it must be allowed, that a continuance in the old system of management would be extremely culpable. As far as my observation has extended, a disposition to adhere to that system is by no means prevalent:—on the contrary, a zeal for improvement is conspicuous. To the magistrates of the towns and districts through which we passed, we are much indebted for the kindness and openness with which they received us; and the correct and benevolent views entertained by these gentlemen, as well as by most of the jailers, afford fair grounds for expectation, that a general

effort for the amelioration of their prisons will not be withheld. To these remarks may with propriety be added the following notice:

Some time since, a Society was formed in London, for the suppression of Juvenile Delinquency and the Improvement of Prison Discipline. The Committee of this Society have been indefatigable not only in procuring information respecting prisons, and in suggesting the requisite improvements, but in forming plans for the erection of new jails to the greatest advantage and at the least possible expense. It is peculiarly desirable that those, who have it in view to erect new prisons, should avail themselves of the advice and assistance of these gentlemen, who, from motives of benevolence, have made the subject their study, and are already in possession of much experience respecting it. Any letters on this subject, addressed to Thomas Fowell Buxton, M. P. Spitalfields, or to the Committee, Samuel Hoare, jun. 62, Lombard-street, will not fail to receive at their hands a ready and early attention.

IMPRACTICABILITY

OF THE

The Resumption

OF

CASH PAYMENTS;

OF THE

SUFFICIENCY

OF A

REPRESENTATIVE CURRENCY IN THIS COUNTRY,

UNDER DUE REGULATIONS;

AND OF THE

DANGER OF A REDUCTION OF THE CIRCULATING MEDIUM,

IN THE PRESENT STATE OF THINGS.

By SIR WILLIAM CONGREVE, Bart.

Member of Parliament for the Borough of Plymouth.

LONDON:

1820.

ADVERTISEMENT.

THE following pages must be received as containing merely an outline of certain important propositions connected with the Resumption of Cash Payments, and with the sufficiency of a Representative Circulating Medium, which are here offered more with a view to elicit consideration, than as affording complete investigation. The writer was led to the view of these subjects by having been lately employed, in a public capacity, in the solution of a vital problem connected with this important question; and, though his present limits do not allow of more detailed explanations, still he feels some confidence, from the consideration which he has given to the subject, that his principles are, in general, correct.

OF THE

RESUMPTION

OF

CASH PAYMENTS,

&c. &c.

When papes and money circulated together in this country, without affecting the relative value of each other, the proportion of the latter to the former was about equal, or one-half of the whole circulating medium, which was then rather more than forty millions; about twenty-two millions of which was in specie, and never less than twenty. Since that time, as the issue of paper has increased in its proportion, the specie has gradually disappeared; and this the Bullion Report assigns as the natural consequence of a disproportion between these two ingredients in a mixed currency: nor have I any intention of denying it, but merely, on this very ground, to prove the impossibility of the resumption of Cash Payments in the present moment.

Admitting these facts, and the full force of the deduction, it follows, that the least proportion of specie that can circulate in conjunction with paper, is about one-half; and such, indeed, are not only the proportions which would be assigned by the principles of a physical equilibrium, but must be those also given by the calculation of the relative values of paper and money in a mixed currency, where the quantity of the representative values is equal to that of the intrinsic values; for, as in such a circulation there would always be found a pound sterling of gold or silver for every pound sterling of paper, so it must follow, that, under such circumstances, the value of the one must always be precisely equal to that of the other: while, as this state of uniform value in *a mixed circulation* depends upon this principle of equilibrium, it is equally evident that equality of values, so compared, must cease when the representative value exceeds the intrinsic.

Let us enquire, therefore, how these principles bear in the present state of *increased wealth* in the country. The income of the country may be stated at upwards of two hundred millions per annum. Now as this is an accumulating amount, the effect of its *gradual* or *increasing* diffusion throughout the country will be the same as that of the *constant* action of its mean, or of one-half of the whole amount; the amount, therefore, of the circulating medium, or of the representative instrument *constantly* required for the diffusion of this income, must be calculated with reference to the *mean* of the income and not the *whole* of it; that is, with reference to this latter sum of one hundred millions. But as it may be supposed that not more than two-thirds of the income of the country are expended in the year, so this sum of one hundred millions must be further reduced to somewhat about *seventy millions*,[1] as the amount of the circulating medium required for the diffusion or expenditure of its income. I speak here not of the mercantile operations of men, but of what may be called their *ready-money* transactions—the receipt and payment of salaries, of rents, interests, wages of labor, the butchers' and bakers' bills, &c. which absolutely require the instrumentality of money; and I conceive, on the general principles above stated, that the necessary amount of the circulating medium, properly so called, that is, to say, of specie, Bank of England notes, and private bank notes, for the performance of these operations, with an annual income of above two hundred millions, cannot be assigned at much less than *seventy millions*. The mercantile operations of the country have a representative medium of their own, in bills of exchange, promissory notes, &c. the amount of which is supposed to be not less than *three hundred millions*. But even these transactions cannot be entirely settled without the aid of the circulating medium; as, with the utmost contrivance, the fractional parts or balances must necessarily be paid in what is called money. This, therefore, is an additional reason to suppose that the amount above stated cannot exceed the real demand.

It may be, and indeed is, contended, that this great amount and increase of income in the country is more fictitious than real; that it is now only the shadow, of which the substance has been consumed. Yet where but in the country itself has this substance been expended? a very small proportion only excepted. Loans could not have been raised without the existence of real property; and that property, thus paid into the hands of the Government, has returned again amongst the people, and excited fresh energies and

[1] It is not here affected to fix these amounts with absolute precision, but to assign them in round numbers on general principles.

industry: by which the productive capital of the country has thus been increased within the last twenty or thirty years. If any one doubt this, let him reflect, that, with a population of only ten millions, energies have been exerted by which we have created, by machinery, the labor of an hundred millions of population. Can this have been so many years in operation without an immense increase of productive capital? Can new lands have been cultivated to the extent they have been in this period; new mines worked, new canals dug, new manufactories created, without that enormous increase of productive capital sufficient to account for, and warrant, the increased demand of circulating medium? And is it not evident, therefore, that the necessity of increasing our currency has been the natural consequence of an increased productive capital,—and not, as contended by some, that the growth of capital and income is a fiction arising out of the increased quantity of paper-money,—and that the same effects might be produced by a reduced circulation? Denying this, however, and assuming, on the grounds above stated, that the required circulating medium, in the existing state of the wealth of this country, is about seventy millions, and referring it to the foregoing data, it follows, in absolute strictness, that to produce, in the present times, a mixed circulation of gold and paper, where the two parts would be in *perfect* equilibrium, about *thirty-five millions of specie* would be required to be brought at once into circulation.

But even supposing that a considerably less amount would suffice, whence is such an immediate supply of the precious metals to come from, with the present diminished production of them? The probability is, that there does not at this moment exist in the country, of unappropriated gold and silver, one quarter of that amount; and that it will not answer to bring the amount gradually into circulation, has been proved by experiment. If it is to come, it must come at once; if gradually brought forward, it will disappear as fast as it comes.

How, therefore, is it possible, under these circumstances, to resume a metallic circulation without some most essential change in the *circumstances themselves*, or in the *system of the circulation*, to adapt it to new circumstances? As to the former of these positions, that is to say, as to the change of the circumstances themselves, either the quantity of specie in Europe must greatly increase, and its value fall,[1] or the amount of the capital in this country must be reduced; that is to say, not by paying off the debt, for that would not

[1] Such an event might ultimately happen from a change of government in South America.

be a reduction of the property, in point of fact, but merely giving it another form.

The only reduction of capital, therefore, that would avail towards the possibility of a resumption of Cash Payments, in the present state of the precious metals, would be that sort of *annihilation* of capital to bring property back to its former limits, which it is to be presumed that few people in this country would be bold enough to propose as a measure preferable to continuing the circulation by means of a paper or other representative currency. Nothing less than the expeditious operations of an inundation, or an earthquake, to destroy our mines, and overwhelm our manufactories, would reduce the existing demand for a circulating medium of seventy millions.

As, therefore, with respect to these changes of circumstances, one of, then is not very probable, and the other not *very desirable*, the next point for consideration is, How will it be practicable to accommodate the existing means to the change of circumstances? We must, I think, consider the price of gold as permanently risen by the increase of what it has to represent: unless, therefore, either the quantity of the one be increased, or the other diminished, any alteration of the value of the coin, either by deterioration, or by raising the nominal value with a view to bring its value as coin to a level with its value as bullion, both of which have been proposed, would, I conceive, be found to be only a temporary expedient; as, even with such alterations of value, though it might for a time prevent the exportation of gold, the quantity of the precious metals would still be found insufficient to reach that proportion of the whole currency, which we have above stated to be necessary to prevent the enhanced value of gold with reference to paper; and, consequently, from time to time, a further deterioration would become requisite. The only use, therefore, of such a change would be, that it might keep the coin in the country for a time, and thus give the opportunity of bringing into circulation a sufficient quantity of specie: but unless a certainty of procuring this, within the time required, could be previously ascertained, the expedient would be a fallacious, if not a dangerous one.

If, therefore, we cannot find sufficient gold and silver to represent nearly one-half the circulating medium of the country; if, also, any change of the value of the coin appears to be at best but a temporary expedient—to what plan shall we next look? It might indeed be possible to obtain a mixed circulation of specie and paper, where the specie should bear to the paper a less than equal proportion, by suffering a constant regulation from day to day to take place in the interior, similar to the rate of foreign exchange,

between the nominal and market-prices of the specie; instead of its circulating as at present under a fixed and invariable denomination.

Certainly such a regulation would keep the specie in circulation, with paper, though in a less proportion than that of equality of amount, and would prevent the present exportation of gold and silver: but then the vast inconvenience of thus mixing these varying values in all the domestic occurrences of the nation, and the introduction of all the arts of money-brokers in every market-town, would destroy all the advantages that could otherwise arise; and indeed the miseries of this system are sufficiently experienced in several parts of Europe where it prevails.

Nor can I conceive there is any thing so alarming in the idea that we can never return to the old system of a money-currency. I view in it only the proof of the extraordinary wealth of the country in proportion to the limited existence of gold and silver, which seems to render a new system for the representation of property permanently necessary.

Under all these difficulties, therefore, and considering in the present state of the wealth and commerce of this country, that no less an amount of specie than thirty-five millions of the precious metals is necessary for a due proportion of such a mixed currency as can exist without evils even more serious than the absence of specie altogether; and reflecting, moreover, that there is no reason for supposing that the amount of the wealth and capital of this country has reached its limit, but that on the contrary it may be increasing every year—I must confess I am induced to believe *that the period is arrived, or is very nearly at hand, when there is not to be found a sufficient quantity of gold and silver to answer the purpose of a circulating medium in this country*, under anything like the same principles as it was originally destined to operate, or under any immediate modification of them.

It appears to me, however, that notwithstanding this revolution, some system may be devised by which the circulating medium, as well as public credit, in the country, may be put upon a more permanent basis; one in which no future change in the state of property, and the quantity of gold and silver, can produce any disturbing effect.

It is, I conceive, to be effected by the establishment of a representative currency, to which the properties of positive *intrinsicability* and of durability may be given; the amount of the issues of which, through the channels of the Government, shall be duly regulated by Parliament, and a provision under the same authority duly guaranteed for the conversion of that currency on demand into gold *at the market-price*,—not as *coin* or *money*, but as *mer-*

chandise for foreign commerce. There is no respect in which such a currency would be inferior, as a circulating medium, to gold or silver; and a vast variety of points might be enumerated in which it would be far superior.

The sacrifice of capital to the nation would be less—the wear and tear would be nothing—and a far less quantity of gold and silver than in any other way would answer all the purposes of the precious metals as money in circulation: in fact, little more, if any, would be required than such a quantity as would serve to measure foreign exchanges, and for foreign concerns; while the quantity of gold in the country, compared to the amount of the representative currency, would never disturb or affect the relative values of either. The value of gold, like any other article of merchandise, would be merely regulated by the general demand for it, without either influencing or being influenced by the circulating medium; the value of which being invariable and unlimited, would be regulated and measured merely by the value of what is represented;—which, on the true principles of political economy, seems to be the real attribute of money;—so that the price and value of the thing represented could alone be changed, and not that of the representative: insomuch, that in the purchase of gold, or corn, or any other commodity, by such a currency, no reference would be had to the currency itself, but the comparative values of gold and corn would be at once as precisely measured as if the transaction were a pure transaction of barter.

Hence, therefore, all those difficulties and perplexities would be avoided which now puzzle us, by the secret and invisible workings of the fluctuating values of the intermediate instrument now employed as money.

That we must naturally have a veneration for a system which is almost coeval with civilised society, cannot be doubted; and that this system of a valuable currency was indispensable in the earlier ages of the world, cannot be denied, when the laws were insufficient to guarantee the value of a representative assignment. But still our veneration for antiquity ought not to bind us so rigidly to original institutions, under changes of circumstances which render adherence to them not only unnecessary, but also incompatible with our interests.

Briefly, therefore, to collect in one point of view the most important propositions connected with this subject, it appears—That the necessary amount of specie to form a whole or the entire circulation, in the present state of the capital of this country, could not be much less than thirty-five millions, or half of the

whole currency required. It has, I know, been contended that one-third would suffice; but this is certainly neither borne out by principle, nor by facts.

That the production of such an amount appears impossible under present circumstances.

That the necessity of this increased amount has arisen from the actual increase of *productive* capital within a given period, which absolutely requires this increased currency, or circulating medium, to represent the floating produce of this increased productive capital.

That the quantity of the circulating medium can never fall far short in amount of one-third of the income of the country, that is to say, of the floating property which it has to represent, without limiting the circulation of property between man and man which is the source of the accumulation of wealth: that it is, nevertheless, a mere *consequence* or instrument of real wealth, and ought not to be mistaken for wealth itself; because, on the great scale, no increased issue of paper or other currency can take place, especially of the Bank of England paper, *unless that increase be actually called forth by some operative movement of real property.*

This indeed seems the *most important* proposition involved in this question, though generally overlooked by reasoners on the subject. It does away all the arguments as to the fictitious nature of our paper: nor is it difficult to establish this proposition, if the nature of the Bank issues be considered, and the actual pledge of real property on which they are all issued, or, in other words, the *actual price* paid by the public to bring them into circulation. That some individuals may occasionally issue paper not *substantially created*, is true; but, as a great fundamental proposition, the issues of paper must be regulated by some operation of real value required to be represented; whereas, almost all the arguments against the wholesomeness of a paper currency are built upon the supposition of a *self-created* and *unlimited* issue.

If the Bank issue their notes in the discount of private bills, they take care to have such security upon them as amounts to the *pledge of real value*, or to a *valuable consideration* actually given for them; if on public or Exchequer bills, *the national property is pledged for such issues*; and such issues are under the restrictions as well as the guarantee of Parliament: while the notes that are issued by the Bank in payment of the dividends are in fact no

I am far from contending that various wholesome regulations are not required for the government of country banks; amongst others, perhaps, *bankers*, like *brokers*, should be restricted from carrying on any other business.

issues at all, but a mere transition, through their hands, of what has been collected by the government; and, lastly, should they issue bank-notes in the purchase of bullion, or other treasure, this can hardly be reckoned as an *unsound or unreal* operation.

Yet under one or other of these modes must all the issues of the Bank be classed. Can such transactions, therefore, be said to be either fictitious or unlimited? On the contrary, are they not evidently called forth and regulated in all cases by some actual movement of the real property of the nation?

But this is not all. Let us compare the *value of the Bank-note in circulation* with what is called the *intrinsic value* of the precious *metals*. The intrinsic value of these metals is always estimated by that which they have actually *cost* in labor, corn, &c. *to bring them into use*: and what is the value of a Bank-note in circulation, but that which it has really *cost* in corn, or other real value, *to bring it into circulation?* The one-pound note which any individual may have to circulate, has actually cost him twenty shillings-worth either of corn, or labor, or the like; nor will the Bank issue one single pound-note to the public or the government, unless the public or the government will pay them these twenty shillings in some *real value*, or will give them the *ample pledge of such real value*, which is the same thing. For my own parts, therefore, I can see no virtual difference between the value of the Bank-note *so purchased*, and that of the gold and silver *so produced*: neither can I see any great difference in the *real comparative usefulness* of the two articles. It is, true, the precious metals are more durable, which may be allowed to create a preference under equal circumstances of expediency, in a mixed circulation. I can see also a difference in a sort of prejudice, in favor of a circulation of the precious metals, from long habit and general customs: but these are false estimates of value which it is the business of reason and civilisation to overcome: and while gold, under the guarantee of the law, may be purchased at the Bank by the Bank-note, on the same terms as any other article of merchandise elsewhere, namely, at the fair market-price, such a Bank-note must be capable of fulfilling all the internal operations of specie with advantage, and of procuring all the facilities for foreign commerce.

The Bank is the mine from which the Bank-note is obtained, but it the actual price or real value paid to bring it forth, as *substantially* as in the case of the guinea or the shilling: the *created value* here complete in both cases. And to go further in inquiring what the paper or the printing cost, would be like inquiring at what

[1] They are nevertheless causes of the depreciation of paper-money in a mixed circulation, which would not exist in a pure representative currency.

explore the gold and silver were *originally formed* in the bowels of the earth. It is not necessary, therefore, that the Bank should keep the same amount in bullion as they issue in notes, but merely for the supply of foreign dealers. The value of the note is proved to be complete in its creation without it.

I am aware that the opponents may urge that in the issue of Bank-notes, and in the discount of bills, a repetition of bills may be created by the repeated transfers of the same real value. But still the person and estates of every receiver are pledged for the valuable commodity, whatever it may be, on every transfer; and when it is by him again transferred, he actually gives real value for the bill, or other pledge which he receives, and so in every successive transfer. The real value of the commodity, nor of the pledges exchanged, is not lost by the number of transfers, any more than the intrinsic value of a guinea is affected because it may represent ten different articles in one day: this guinea is as much a valuable consideration given for the last article it purchases, or the last bill or bank-note for which it is exchanged, as it was for the first; and so of course is the corn or other merchandise on which different bills may be given as it passes from man to man. The purchase and securities are complete in every transfer, and the merchandise carries its valuable consideration with it, and creates a *bona fide* transaction as much and as often in the one case as the guinea does in the other. But even if this mode of reasoning were dubious, the bills for which the Bank issue their notes in discount, stand not on the pledge of the mere article which they were created to represent, but, as I have already stated, of the persons and estates of the drawer, acceptor, and indorsers of such bills; who, by pledges of real value, have actually purchased the bank-note of the issuers, and send it, therefore, into circulation, as much paid for by real value as any guinea that ever was produced. And can any man doubt of the *complete adequacy* of such pledge or payment existing in the country *for all the representative currency in circulation*, when he sees that, going to the very uttermost extent, the whole amount of this currency is less than *one-third even* of the *annual income* of the country, without considering the *actual capital*, which it *equally represents*, and which is *equally pledged for it?*

The danger of a representative currency is therefore imaginary, and the present amount of it is well within those bounds to which it might be extended, on the principle of the pledge or price of real value given for it being equivalent to the intrinsic value of the precious metals, as created by the cost of producing them. The only person who does not pay this price for the bank-note is the forger; and it is this liability to imitation, and the want of dura-

bility, that chiefly affect the estimate of the real value of a representative currency, under a government restricted as our own, and under so ample a pledge of real property as the notes are issued upon, even were the government less stable than it is. While the law remains, and men[1] can be compelled to pay their bonds, a representative currency is as safe as an intrinsic one; and when the law ceases to exist, it is of little importance to us as a state in what a man can count his property.

I must now proceed to state, that with a perfect arrangement of a representative currency, it appears to me *unnecessary to attempt to fix on any particular thing as a standard of value*, which indeed is the great source of perplexity in all money systems wherein specie or coined money is involved, and which standard of value, after all, as now connected with the precious metals, seems an impossible problem. There is, in fact, no such thing as *a constant value* to be found in any *single* commodity or *tangible* shape, be it gold,[2] or silver, or any thing else; such a thing exists not in society, in any palpable form. The want of such *uniformity* of value is therefore best to be compensated by the *immediate comparison* of the *relative* values of every different article of property, afforded by their being at once brought into contact by a common nominal measure, having no intrinsic, or, as in this case it should be called, no mercantile value of its own, beyond that of having been paid for at its issue by the pledge or actual payment of a certain quantity of real value; and which, therefore, is not in itself fluctuating, but serves as an invariable comparative measure for all other values, and resolves them at once into their actual value in gold or silver, or any thing else, at the time being.

Nor can I perceive that the *want of such a standard*, in a *tangible* shape, need to cause any difficulty in account, or any confusion as to the first regulation of the representative values of a purely representative currency with the real values of what it had to represent. The term of pound sterling is constant, and the value of this term would be measured in corn or gold, by that quantity or value of these articles at the market-price of the day, by the pledge of which that pound note was, at that time, brought into circulation; after which, the value of corn or gold alone would vary, as these articles became more or less plentiful in proportion to the demand for them: *but the value of the money itself would not vary*, for it would still be found to purchase the *same* quantity

[1] Not the Bank, but the whole country.

[2] A bad harvest immediately raises the market-price of gold: this standard might, therefore, almost as well be fixed in corn as in gold.

of other things, the *supply* and *demand* of which *had not varied*; it would, therefore, be *merely* indicative of the *relative* variations of all other articles. Unlike the present circulating medium, which consists of gold and silver, or of paper, *regulated by its mixture with the precious metals, and partaking therefore of their fluctuating values* as articles of merchandise, it would not affect the price of other things. Those prices could, under such circumstances, only be regulated by the comparison of supply and demand, which seems to be the great desideratum in the transactions between man and man.

In fact, if we consider the way in which the value of a pure representative currency is created, it must be evident that, so far from affecting the prices of other things, its own value must be entirely regulated by the *average* of *all* other prices; for it is not by the pledge of *one* thing, but of *all* things, that such a currency must be created, and by the average of all prices, therefore, must its value be regulated. Now it seems rational to suppose that this average of all prices may be nearly a fixed point; that is to say, that as the supply and demand for certain articles increase, that for others would decrease, and as this average or mean of all prices, therefore, determines the value of the nominal pound sterling, then, if this average is a fixed quantity, there can be no variation in this nominal value, as affected in its capacity of the general representative of all things. While, on the other hand, should it vary under extraordinary circumstances, it seems to follow, from the same causes, that the value of the nominal pound sterling will always vary in *a due proportion* to the general value and condition of the *whole* of what it represents, and not to that of a *part* of it only; as is the case in an intrinsic currency, regulated by the *partial* standard of either gold or silver, in which the value of the currency may constantly fluctuate, according to the variations in the value of gold and silver, without any reference to the condition of other things, which it appears to me cannot be fit. Neither, indeed, can there be a *perfect sympathy*, as is contended, even in the variations of such a currency and *its standard*; for money, in whatever shape, must be so connected with *all* property, that it cannot be influenced by that part alone which professes to be its standard: and hence the difference between the values of gold as specie and as bullion. If, therefore, there be any thing like an approximation to a *general standard of value* to be found, it must be looked for in a pure representative medium, and not in one, either consisting wholly of the precious metals, or in a mixed currency.

It seems, indeed, that a pure representative medium, thus supposed to be regulated by the *average values of all things*, but

principally of *those articles actually essential to the existence and happiness of mankind*, would, under all circumstances, form a constant measure of real wealth; for *such articles* in fact, at all times, constitute the *true basis of real wealth*. The relative denominations of such a currency would, therefore, in all ages, indicate the same degrees of riches or poverty; and that which was at one period a competency, would not at another be beggary, as has been and must be the case in a money system regulated by any single substance, in itself not forming one of the necessaries of life; the creation of which, moreover, depends not upon the *wants* and *industry* of mankind, but which, being a *natural* and *finite* production, must, from the nature of things, be variable in its value; whereas there must exist a *certain uniformity* in the value of *the wants* of those things which are *created* by the *industry of mankind, due to their necessities*; and though from accidental causes their quantities, and consequently their values, may individually be subject to fluctuation, they will still return to the *fixed standard* fixed by the *eternal and unequivocal calls of necessity*. The pound sterling, therefore, thus regulated, would be no more an *abstract* or *ideal* quantity than that which is fixed by the Mint standard.

It may, however, be said, that this regulating average of all prices is a quantity that cannot well be determined in numbers. To this I answer, that if this really be the case, which I am by no means prepared to admit, it does not seem necessary to determine it: inasmuch as it appears that the value of a purely representative currency will be, by creation, *spontaneously* regulated by it; that it is one of those operations in which the work proceeds correctly, though in the dark; and that if there be any fluctuations, those fluctuations will be in perfect unison with the general condition of property. That such a currency should be payable at the Bank, on demand, in *gold or silver*, AT THE MARKET PRICE, would in no way counteract this operation; on the contrary, it would extend and confirm it, inasmuch as the average value of gold, as of other merchandise, might thus, without inconvenience, be thrown into this general regulating average, from which it is now excluded by the attempt to give it a forced and unnatural value, by using it as money at a fixed price.

If, therefore, these propositions be generally correct, it may be inferred, that in civilised society, under the guarantee of good laws, the true circulating medium is one of no value in itself; while, in uncivilised society, I admit that no medium but that of intrinsic value can be established; and that in this consists the grand distinction of the different necessities of different states of society in this respect. And hence perhaps may be traced one of the causes for the disappearance of the precious metals, not only

in this country, but which is gradually operating all over the civilised world. That in proportion as the government of any country is settled and strong, the use of the precious metals is found less necessary at home, and it is therefore exported to those countries in a less civilised state, the relations with which can only be carried on by actual value. Hence may we also account for the greater abundance of the precious metals in France, and elsewhere, than in England, from the late unsettled condition of the Continent; and if it be so, which I cannot but believe, how short-sighted must we not be to mistake, as a cause of alarm, that which, properly understood, is the surest proof of our stability and strength!

It appears, therefore, that we may with safety, in the present state of things, abandon the idea of any extensive currency in the precious metals. Let us, indeed, endeavour to produce a perfect representative currency by every means in our power, having its standard regulated by the average of *all prices*. Let the redemption on demand, of that currency in gold, at the market-price, be duly guaranteed by law, under any regulation that may be most convenient; and that gold may, in all its shapes, only be considered as merchandise; and that those fluctuations of its value, which, under present circumstances, it is impossible to control, may be allowed to regulate themselves, without affecting the values of the circulating medium: but, above all things, as we have not the economy of supply for a currency in the precious metals, let us not be withheld from adequate proportion of the substitute. *The worst evil that could befall the country, in the present moment, would be an* [illegible] CURRENCY, *let that currency be of what it* [illegible]

The reduction of our circulating medium below that amount which the actual state of the property in the country requires, would operate much like a reduction of that property; for, if the country possesses not the means of representing, in its transactions, the wealth in possession, it is tantamount to a partial annihilation of that wealth. The activity of intercourse between man and man, and of industry, must be crippled, and the value of property must consequently be diminished. How then is the country to meet those engagements, in a state of means thus reduced, which were contracted under circumstances so different? But it is said, that by the reduction of our internal facilities prices will fall, and our foreign domestic consequently increase; that then the balance of trade will be in our favor, the exchanges [illegible]

I shall endeavour hereafter to shew the public that this may possibly be best effected in a non-intrinsic metallic currency, formed on the principles [illegible]

will rise, and gold flow in abundantly! To me, I own, this appears to be working in a circle—it must all come round to the same thing; for if exchanges are thus to be raised, the prices which the foreigner will therefore be made to pay for our manufactures will not ultimately fall: therefore, he will take no more of us than before, and the end will be, that we shall have created distress at home without any increase of trade abroad. But, even if we could, at this price, ensure an increase of foreign commerce, let us not forget that we may thus be sacrificing greater interests at home. Let us remember how small a part of our resources depends on our foreign commerce, compared to those involved in our own empire and its dependencies, and that the great object of our solicitude, therefore, should rather be to legislate with a view to the prosperity of our domestic than of our foreign concerns.

If prices must be reduced, let it rather be done *by increasing than diminishing our internal facilities*; and thereby augmenting *the actual quantity of our produce.*

I cannot, for one, be persuaded of the truth of the proposition, as it is generally received, that *the bank-note system* has produced *a rise in prices.* To suppose that it could raise prices by any *direct operation*, would be to suppose that the community at large would purchase bank notes at a certain price one moment, and pass them the next at a reduced value. So far, therefore, from thus producing a rise, I say that the real operation of this system has been to *produce a fall*, and that all manufactured goods in this country *are actually* MUCH CHEAPER *than they were before our increased facilities:*—look at our Manchester cotton goods, our Glasgow muslins, our Birmingham and Sheffield hardware, and other such commodities.[1] That the prices of corn and land have increased is true, because the consumers are increased, and labor drawn into other channels; but in all those articles which are partly produced by labor and partly by machinery, *and they form the bulk of our export trade*, in those, with a few exceptions only, from *partial causes*, the prices are fallen by the increase of the facilities of production, and *will fall by the continuation of that system, and, by that system only can they be reduced without misery and ruin: and not by compelling our manufacturers, by distress, to sell their produce at prime cost!*

On the contrary, give the manufacturer encouragement and facility, his inexhaustible ingenuity will still find cheaper means of increasing his produce, and his prices will fall. Such a fall may be effected without danger, because the increase in quantity will be

[1] Most of these articles have fallen upwards of *thirty per cent.* during the period in question.

equivalent to the reduction in price. Nor is there any danger that the foreign manufacturer will be able, for many years, if at all, to compete with us in the cheap production of those commodities, the manufacture of which depends on the vast extent of our capital and *machinery*, whatever advantages he may possess in the price of *labor*, unless we ourselves destroy those very means and facilities which now exclusively belong to us, and on which our exertions depend. But if, on the other hand, prices are to be reduced, as contemplated, by *withholding the means of exertion*, (for such, in other words, is the withholding the present facilities of trade,) so that with the reduction of prices a reduction of produce will also take place, what is to become of the country with its present incumbrances? The probability of such an event has already shrunk the value of property in an alarming degree:—what may we not dread from the reality? Let it be remembered that the numerical amount of our debt is recorded in *figures* that *cannot be changed*, though the *numerical value* of the property of the country may be so. If then, with the present proportions of these numbers, the interest of the debt is sufficiently burthensome to the people, what will it not be if you diminish their means of paying it? What would the country say if it were proposed to collect another *million of taxes*? and yet, if we are not careful how we reduce the prices and values of things, *the debt not being reducible* in the same way, we may commit some *fatal financial error*, which shall *be equivalent* to the laying on of *ten millions* of new taxes!!! I must repeat, again and again, that the worst of all evils that can befal the country, in the present moment, *would be the want of an* AMPLE CURRENCY. Let that currency be of what it may. The crisis is most eventful, and the doctrines that are abroad dangerous and fallacious in the extreme; and to say the least of them, of *doubtful* origin. False theory and sophistry will have done their worst, if they pull down the financial and commercial supremacy of this country!

England has hitherto been the only nation, the strict administration of whose laws, and the inviolability of whose good faith, has enabled it to call forth energies in proportion to its general wealth; while other nations have been confined, or very nearly so, to the limited resources of their wealth in specie. Let us beware, therefore, how, from not duly appreciating the immense power that we thus derive from our unparalleled public credit, we commit an act of suicide upon our greatness, by any unnecessary sacrifice of the advantages of a system to which we are so much beholden.

Let me not be misunderstood.—It is not the Resumption of Cash Payments that I fear, if that measure were practicable to such an extent as to render it a permanent arrangement, which I sincerely believe it is not. What I dread is, lest we should commit some

fatal error in the reduction of that quantity of the circulating medium due to the state of property and the necessities of the country, in the attempt to force this return of Cash Payments; which I not only (for the reasons herein stated) do not conceive essential to our welfare, but the operations of which, I think, in the present state of things, may be better performed by an artificial currency, under the guarantee and regulations above stated.

But wherefore all this anxiety for the Resumption of Cash Payments in the present moment? I must confess I am at a loss to account for this *scramble*, as it were, *for gold and silver*; as if we were on the eve of a general bankruptcy, or were bent on universal emigration. That our debt amounts to a very large sum, is true; but all quantities are only great or small by comparison. With an income of upwards of two hundred millions, a debt of eight hundred millions is but the arrear of *four years* of that income. A private family would not be considered in very desperate circumstances, which might be so in debt, *even to strangers*. In the case of the nation, therefore, which is that of a large family, where the debt is due only from one branch of that family to another, such an incumbrance can produce no serious evil while the family remains united. With moderate economy, and proper confidence, such an arrear will liquidate itself without inconvenience, if we check not the industry and energy of the country by unfounded alarm, and by ill-timed interference.

REFLECTIONS

ON

THE LIBERTY OF THE PRESS

IN

Great Britain,

TRANSLATED FROM THE GERMAN OF THE CELEBRATED

F. VON GENTZ,

AULIC-COUNSELLOR TO THE EMPEROR OF AUSTRIA,

AND AUTHOR OF

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REFLECTIONS

ON THE

LIBERTY OF THE PRESS,

&c.

THE Liberty of the Press is a theme on which the English Newspapers and Political Journals often comment, and to which the higher class of periodical works also sometimes advert; but it is long since any treatise of importance, on this subject, has been published in England. In its practical relations the question is decided, and its consideration, with respect to theory, appears to be deemed superfluous.

In treating of the freedom of the press it is necessary, in order to be intelligible to one's-self and to others, to pay particular attention to the extent of the signification affixed to the term, by the prevailing usage of the language of the age, and to consider how far the ideas presented by that signification may or may not be admissible, or capable of practical application.

An unlimited freedom of the press would be a situation wherein every individual would have the right of diffusing, by means of the art of printing, his thoughts, opinions and judgments, on all persons and things, without being, before publication, restricted by any law, or becoming afterwards responsible to any law, for that act. Those who assume that certain rights existed previously to the formation of civil society and independently of it, or who set up a claim to pretended *natural* rights, cannot have a definition of what they call the natural right of the liberty of the press more favorable to their views.

It is, however, self-evident, that without the union of men in society, there could be no regular communication of ideas, nor any demand for writing, presses or books. But were even all these things not actually indebted to society for their origin, still would

they be not the less bound by its regulations. The moment that social order is established, there can no longer be any question as to natural rights. Whether such rights previously existed is a metaphysical proposition which every one may, according to his system, affirm or deny, or leave unresolved. Every right, from whatever source it may take its rise, is, or becomes a social right.

A social right, unaccompanied by restriction, is indeed a thing scarcely conceivable, for the mere idea of any such right must necessarily be derived from reciprocal limitations of freedom. The right of circulating our thoughts, through the medium of the press, has therefore, like every other right, its boundaries. In the social or only admissible sense of the phrase, the unlimited freedom of the press is consequently a nonentity.

Thus far are nearly agreed, at least in theory, all who might wish to come to one opinion on a subject of this kind. It must be confessed, however, that there exists in human nature an aspiration after freedom beyond these legitimate bounds. Limitations, of the necessity of which we have never entertained a doubt, often become odious to us, when they present obstacles to our pursuits; and, when animated by a great interest, or an important justification, what author may not, for a moment, have wished every extraneous tie and obligation removed, in order that he might be at liberty to obey the dictates of his own immediate feelings, without considering whether his internal impulse would carry him to a good or a bad result? But, when fundamental maxims and the public profession of principles are at stake, no man who possesses self-respect will manifest such a disposition; and the liberty of the press, in the unlimited sense of the term,—though it should have some secret friends, still would not easily find an open defender.

The main difference of opinion, however, at once arises on propounding the question,—what kind of legal restrictions on the employment of the press, may be best calculated to protect the interests of the community without infringing individual liberty? The contest to which this question has given birth has had for its consequences that freedom of the press has sometimes received a very narrow, sometimes a large, and at other times an entirely arbitrary construction; and that those, who would consent to legal limitations of that freedom, under one form only, finally condemn every other modification as mental tyranny, oppression and servitude.

It is well known that there are two different methods by which the abuse of the liberty of communicating ideas may be guarded against; namely, either by regulations formed for the prevention of that abuse, or by measures which render it, after the fact, the object of legal punishment. The former belong to the class of POLICE LAWS,

and in the present case may be denominated CENSORSHIP OF ORDINANCES. The latter must be penal laws, as no action can regularly be brought before a tribunal which has not, on some ground or other, been made punishable by a previously existing law.

In all European States, England alone excepted, the press had, until very recently, been constantly regulated by measures of police. The privileges possessed by the English writers were not, in former times, regarded as subjects of censure or reproach for other governments. It was readily perceived that they were intimately interwoven with all the remaining peculiarities of the British Constitution, and that, were they detached from it, or removed to another soil, where they would be in contradiction with the form of government, the legislation, the administration of justice, and the national manners, they could not be expected to thrive. But as the human mind, along with the actual possession of a higher cultivation, and the chimerical notion of more extended faculties has become accustomed to see in ancient regulations nothing but ancient fetters, the wish to emancipate the press from the dominion of the police, has been actively and strongly expressed throughout all Europe. The measures adopted in France and the Netherlands have also served to administer fresh food to this desire; so that a determination, grown progressively general, has been formed both by authors and readers, to regard freedom of the press and police legislation as things perfectly irreconcilable; and accordingly this conclusion has been gradually adopted, that by the liberty of the press, nothing less is to be understood than the right of addressing the public, without being subject to any previous inspection or control.

This construction, which is now generally adopted, we shall not immediately contest; though we are far from believing it capable of withstanding a rigid examination. We may, however, observe that, as often as the freedom of the press is defined in this manner, either in public documents, or in the writings of individuals, the definition is generally accompanied by the restricting clause:—It being well understood that this freedom cannot be used in contradiction to the laws. Now a right, for the exercise of which the possessor is responsible to existing laws, and these laws, as in this instance, penal, certainly is not unlimited. It follows therefore

It is true that in the 17th and 18th centuries there prevailed in Holland, some parts of Switzerland and in the territories of a few considerable princes of the German Empire, and free Imperial Cities, a silently authorized liberty of the press, of which the laws took no notice, and which was only occasionally checked, when serious complaints were made against it. These examples, which had their origin either in the republican spirit or smallness of the respective states, or in their political relations, can no longer be taken into consideration, in the altered state of the European system.

that the present definition of the liberty of the press merely excludes a particular class of restrictions, with the express or tacit reservation of others perhaps not less oppressive; and if it led to no farther errors, if every one precisely knew what is meant by the freedom of the press in his own country, and on what conditions he enjoys it, we might overlook the generally indefinite use of the term. But when it is proposed to take a more enlarged view, and enter into a thorough investigation of the subject, it is necessary to reject such conventional and popular definitions. The liberty of the press then becomes an absolutely relative idea, the measure and compass of which is determined by the boundary line which divides the authorised and unauthorised employment of the press. The question, whether a country is better with or without the liberty of the press thus loses all importance, as in one sense it exists everywhere and in another sense nowhere.

The circulation of ideas, by means of the press, being then an action which may or may not be performed, it belongs to the state to declare in what cases it shall be allowable. The liberty of the press can never be precisely fixed by positive ordinances. When such an attempt is made, we may venture to assert either that the nature of the subject is not understood at all, or that it is apprehended there are some persons, whose prejudices it would be desirable to spare, or whose opinions it may be thought necessary to flatter, who do misunderstand it. Regulations, which have the liberty of the press for their object, must be solely directed against its abuse, and consequently always become *negative* and *restrictive*. Under this point of view must the controversy, which at present occupies so many minds and pens, be considered. The discovery to be made is not how the freedom of the press may be established, for it is self-founded; but, as it cannot subsist without restrictions, how it may be limited in the least injurious and most convenient manner? Since then our choice is confined to only two principal modes, it will be proper to propose the question in the following form: Does the system, which prevents the abuse of the press by police legislation, or that which punishes its abuse, when committed, by penal laws, deserve to be preferred?

Were such a question to be decided by a blind predilection for one or the other system, by dogmatical common places, or by arguments in which that, which should first be proved, is constantly taken for granted, it would, without doubt, according to the present disposition of men's minds, soon be dismissed. Many would regard it as unworthy of being proposed, others would consider the dignity of the literary character, the honor of an enlightened age, and the most sacred rights of citizens offended

by an inquiry, in their eyes, so completely unnecessary. That the system of preventive laws, even independently of the numerous faults by which its execution is almost everywhere accompanied, and almost everywhere brought into discredit, should neither be satisfactory nor popular, is a circumstance sufficiently intelligible. The operations of this system are so simple, that they may be easily observed, and, without much effort, judged. By their generality they reach every author, if not in the same way, at least in so far that he cannot, without responsibility, elude them. They are besides, even under the most favorable circumstances, exposed to a strong suspicion of being altogether arbitrary or discretional. Finally, and this is the most serious consideration of all, they touch a class of persons who unite to a certain portion of real merit a large mass of false pretensions, and touch them too in the tenderest point; they wound their self-love, obstruct the spontaneous current of their witticisms, their inventions, their fictions, their follies, and their passions, and oppose to the opinion, which each individual entertains of himself and his works, the weight of a higher authority, and what is still far more intolerable, a real or at least legally presumed superior judgment.

On the other hand, notwithstanding the general dislike of penal laws, nothing is more natural than the favor which the system of responsibility after the fact has obtained. With most persons, that system needs no other recommendation than that of superseding the authority of the police. In this, as in a thousand similar cases, few give themselves the trouble to inquire, how that law will be framed which must necessarily supply the place of an ordinance so offensive to them. Any regulation appears more desirable than the existing restraints, though the change may be to measures infinitely more oppressive. When the nature of the judicial proceedings, against the abuse of the press, are not known by experience, only the bright side of the subject is seen, and every thing is supposed to be gained if the control of the censor be removed. Even in countries where this system has long prevailed, those who do not immediately suffer by its operation, soon lose sight of its real nature, oppression, and penis. If in any remarkable case general attention be excited,—by public accusations, provisional arrests, and all the solemn apparatus of a judicial trial, having perhaps at last a tragical issue,—then all is agitation, and the farfamed guarantee of literary freedom is on every side calumniated as a feeble bulwark, a treacherous snare, and an instrument of the basest tyranny. The momentary terror, however, soon passes away. Every author, even the individual most conscious of having overstepped all bounds, and who may have dared all the vengeance of the laws, hopes, as far as regards

himself, to be able to weather the storm; and, as the thunder-bolt falls but on few heads and seldom on the most criminal, the hope is not wholly unfounded. Even in the most extreme case the progress of the trial presents many chances of deliverance. The defendant may rely on the ability of his counsel, on his own talents and eloquence, or on the preponderance of the popular feeling in his favor. Many see, in a trial of this kind, only the means of acquiring celebrity, and regard even the threatened punishment (especially before its effects are felt) as a new claim to the approbation and sympathy of all who entertain similar sentiments, or as an honorable martyrdom.

But whatever stress may be laid on these views and motives, this much is certain, that, in order to compare the one system with the other, it is at least necessary that both should be thoroughly understood. With regard to the system of censorship, there is no difficulty in acquiring this knowledge; it is founded on a few simple rules, and its advantages and inconveniences are equally obvious. On the contrary, the system which subjects the offences of the press to judicial investigation is of a very complicated nature. It is connected with several questions of jurisprudence and state policy, which are not only highly important, but often of great critical delicacy; and, without the strictest attention to all the other legal and political relations of the state, in which it is already introduced, or to which it may be accommodated, it cannot be theoretically understood, still less practically estimated. In countries in which the freedom of the press has never been tried, under this form, correct representations of it are very uncommon: the discussion is then a dispute about words, while the subject remains uninvestigated; and the persons, who call the loudest for a change, are often precisely those who least know what it is they desire. Perhaps one of the principal causes of the enthusiastic predilection for this system, really is the ignorance which prevails as to its operation and character, its essential ingredients, its preliminary conditions, its difficulties and its dangers. It surely then cannot be deemed superfluous to throw more light on a subject of such general interest. Those, few as their number may be, who, less hasty and bold in their conclusions than the great majority of their countrymen, do not regard the question here proposed as long since decided, but who feel the necessity of farther deliberation, and of collecting materials and points of comparison for a solid and ultimate decision, will not disdain an explanation founded on indisputable facts and documents. And even such as have already formed a judgment, at first, on other grounds determined, on no account, to abandon the system for which they have once

declared, must at least consider it of some value to be made better acquainted with the object they desire, and to be enabled more correctly to estimate, by the rule of previous experience, what they may expect if their favorite idea be realised.

To accomplish this object few things appear better calculated than an accurate, and, at the same time, discriminating representation of the Liberty of the Press, in England and France, with a view to the calm and deliberate exposition of its situation in each. The rejection of the censorship and the correction of the press by penal laws, must be regarded as the prevailing system of both countries. In England, this system has been in operation for more than a century, and has subsequently, with all the good and evil belonging to it, ripened to a perfect maturity. In France the same system, solemnly proclaimed on the Revolution, after having been alternately the sanctuary, the scourge, and the scorn of the nation, sometimes the victim and sometimes the tool of tyranny, forms, since the restoration of the royal authority, an article of the Constitution, and though still in a state of warfare with various impediments and restrictions, appears rapidly advancing to its final confirmation. The recent as well as the more remote proceedings connected with this system, in both countries, afford an abundant supply of the materials of every kind, necessary for the complete discussion of the present question.

Measures, which have the press for their object, ought to be examined on more than one side. It would be fruitless and absurd to persist in judging them exclusively by their effects on authors. Reasonable men, of all parties, admit in this, as in all similar cases, that the claims of individuals are not to be satisfied to the injury of society, and that nothing prescribed by authority is worthy of the name of legislation which does not unite public security with private freedom. A system that, in order to avert every danger, should scarcely permit the press to breathe, would not be more blameable than that which, from excessive forbearance towards individuals, should endanger public tranquillity and the existence of the state. The worst of all would indisputably be one which should sin equally both ways. Examples of this kind will, perhaps, be met with in the course of our investigation.

Every system which has for its object to regulate the press, by penal laws, embraces three clearly distinct constituent parts, each of which, in its operation, must influence the other two. This division must not be lost sight of by those who desire to discuss the subject regularly, and who wish to decide fairly on the value of the whole. The three branches of the system are :—

Press.—The state of the law under which the abuses of the press are tried and punished;

Second.—The manner in which offences against the law are brought under judicial cognizance, or the forms of proceeding.

Third.—The judicial proceedings in their whole extent.

These three heads point out the order in which we shall pursue the inquiry.

LIBERTY OF THE PRESS—IN ENGLAND.

Every thing, in England, having reference to the use and abuse of the Press was formerly regulated by the Court of Star-Chamber, and remained under its exclusive jurisdiction until the middle of the seventeenth century. The Star-Chamber, which was an ancient tribunal revived by Henry VII., was appointed, by authority of the prerogative, to take cognizance of all offences against public order and all transgressions of the police laws of the kingdom, and pronounced judgment without the intervention of a jury, and without respect to the ordinary forms of process. This tribunal, which might be considered a sort of superior court of police, fixed the number of printers and presses, and appointed an inspector of the press, under the title of *Licenser*, without whose consent no thing could be published. In the year 1641, not long before the breaking out of the civil war, a time when all the old royal prerogatives were overthrown, the Star-Chamber was abolished. The parliament then assumed that police authority over the Press which had hitherto been possessed by the Star-Chamber, and continued during the Protectorate to exercise it, through the medium of commissioners. Two years after the Restoration, the regulations of Cromwell's parliament were again put in force, and were repeatedly renewed under Charles II. and James II. The last of these measures expired in the year 1692, three years after the revolution which placed William III. on the throne. It was, however, determined that it should be prolonged for two years more; the king himself regarded its existence as a matter of importance. At length in the year 1694, parliament declared against the further continuance of the act. Thus through the mere extinguishing of the old law, which took place almost in silence, and certainly without the importance of this negative decision to posterity being foreseen by any who participated in it, was the existing system introduced.

We now proceed to the examination of this system, according to the preceding arrangement of its parts.

TYPE OF THE LAW AGAINST OFFENCES OF THE PRESS.

The only kind of offences of the Press recognised in England, is that which comes under the description of libel, publication,

or *libel*. Libels against private persons, and libels against the State, or the highest authorities in the State, are, in the eye of the English law, of one and the same nature, and are proceeded against on the same ground, namely, that of *breach of the King's peace*. The punishments which have usually been applied to these offences are fine, imprisonment, and pillory. The amount of the fine is left to the discretion of the judge; there are recent cases of mulcts to the extent of 500*l.* and 1000*l.* sterling, and the sentence, besides, often includes bail for good behaviour, during a certain time. Formerly, the punishment of imprisonment sometimes extended to ten years; but modern practice has confined it to a year, eighteen months, and, at the most, two years. Since the bill of Mr. Taylor, which passed a few years ago, the judgment of the pillory is only pronounced in cases of perjury and writers are therefore no longer liable to that disgraceful punishment which was recently often their lot.

In a country where no law or police regulations operate to prevent the abuse of the Press, and where so wide a field is open to the activity, the restlessness, and the passions of all men, libels of every kind cannot be uncommon. At the same time, it cannot be denied that writings of this description are not only injurious to the peace and honor of individuals, but that they may violate the security and dignity of the State; and, as we have shown, they are, according to the principles of British jurisprudence, necessarily treated with severity. Under these circumstances, would not any one expect to find the distinguishing marks, the legal character of a libel, precisely determined by established rules, or at least defined with such a degree of correctness as to leave no uncertainty in ordinary cases, and to afford, even in such as might be doubtful, a certain guide to the interpretation of the Judge? Such is, however, by no means the case. What the present state of the law of England is, with respect to libel, can not be more clearly or forcibly expressed than in the following words of a writer who is well acquainted with the subject. He says: "The power of punishing for libel, assumed and exercised by the Court of King's Bench is neither founded upon, nor guided by any provision of the legislature whatsoever. The assent of parliament to it is merely negative. We assert that there is not within the statute book, a single form of words, by which it is attempted to declare what libelling is; by which any form or degree of punishment is appointed for it; or by which it is so much as forbidden. There is no written standard by which the decisions of the court are pronounced. The power rests on the sole foundation of the practice of the Court of Star-Chamber, in which prosecutions for libel first commenced; and the Judges of the Court of King's Bench have all along had no other rule whatsoever for

their conduct, but the decisions pronounced by that arbitrary court, and the decisions of preceding judges who followed its example."[1]

The definitions given by the highest legal authorities of the abuse of the Press, or of what constitutes a libel, all bear, without exception, the stamp of the uncertainty of the law. We shall now cite a few of the most remarkable. Chief Justice Comyns says, in his digest of the laws of England, a book which is considered classical, "A libel (*libellus famosus*) is a contumely or reproach published to the defamation of the government, a magistrate, or a private person."

The celebrated Blackstone expresses himself thus:—"Every freeman has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the freedom of the Press: but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity."[2]

Lord Ellenborough, chief justice of the Court of King's Bench, in the year 1804, declared every publication punishable, "which tends to excite the discontent of the people, or, either by calumny or derision, to bring the established authorities of the government into disesteem."[3] One of the latest writers on this subject, who is a deeply learned and practical lawyer, in defining a libel, says, with not much more precision than his predecessors, "The offence consists in publishing a written, or printed, or painted composition, tending to disturb the public peace, by vilifying the government, or otherwise exciting the subject to revolt."[4]

[1] Edinburgh Review, Vol. XVIII. p. 104.

[2] Commentaries on the law of England, Vol. IV. p. 150. 10th edition.

The thing most remarkable in this *nothing defining* definition, is the word illegal, used in a country, where, according to the universal declaration of all persons conversant in the subject, no rule of law has yet determined what is to be considered a libel.

On the same trial, on which he opposed the existing laws, with all their collusion and misinstruction, he declared, in a passage, in which he defended, in speaking of the viceroy of Ireland, had said:—"He has the reputation of understanding the modern method of fattening sheep better than any farmer in Cambridgeshire,"—to be malicious, "sufficiently betrayed the design of throwing the viceroy in the public opinion."

The libellee was no less a personage than the notorious Cobbett, against whom the charge then brought was the having ridiculed a Lord Lieutenant of Ireland, by representing him as a good sheep-breeder, but who was afterwards permitted for twelve long years to circulate with impunity, among the lowest rabble, all that a libellous pen of the most daring and persevering malignity could invent, until he was at last borne down by the weight of his own misdeeds, and detested even by his former partisans, he made his escape from England.

[3] Edinburgh Review, September, 1816.

It would be a waste of time to dwell on the deficiency, uncertainty, and worthlessness of this, and all other definitions of the same description, or to enter into any detailed proof of the very unfair and severe treatment which authors must suffer, or the serious dangers to which the State must be exposed, under such a complete silence of the law, according as caprice or power may incline the balance to one side or the other. The foundation of the whole edifice, namely, the ambiguous formula, "a breach of the King's peace," which is a mere legal fiction, is sufficient to produce a conviction that it cannot answer its object. Indeed the freedom of the Press in England, under whatever point of view it might be contemplated, would appear most unfavorably situated, were it not, as will hereafter be shown, that the imperfection of the law is more or less compensated by certain remedies.

A great error would be committed, were it supposed that the defects we have noticed belong exclusively to the British legislation on the Press, or that they have their origin in some peculiar property of the British Constitution, and consequently, that under another system of government they could be easily avoided. These defects are attached to the nature of the thing, and are its unavoidable and immediate results. It may, perhaps, be regarded merely as a proof of the just feeling, and lucky instinct of British Statesmen, that on this subject they have never attempted to struggle for the accomplishment of impracticabilities. Every lawyer knows how difficult it is to specify with logical and legal precision the character of a private wrong, or of a calumnious publication against individuals, and in how few criminal codes any approximation has hitherto been made towards satisfying this proposition. But to define a libel against the State, correctly and legally, or, in other words, to draw a clear line of demarcation between the innocent use and the abuse of the Press, with respect to public affairs, is what really appears to us impossible. If it could be done by three or four set phrases—were it sufficient, for example, to declare, whoever shall insult the person of the sovereign with unbecoming expressions—whoever shall openly and expressly instigate to insurrection against the sovereign or his representative—whoever shall for himself, or others, disclaim obedience to the existing laws—and so forth, shall be liable to punishment, the difficulty would be easily overcome. At the same time it may be observed, that the trouble of enacting such laws might perhaps be very well spared; for the cases in which they would be transgressed could not be numerous, and the offenders would be fitter for a mad-house than a prison. But when we descend from this extreme, and enter the region of practical possibilities, or practical probabilities, the proposition assumes quite another form. It is indeed

instructive and likewise amusing, to observe the levity and temerity with which many persons who pretend to be the guides of their fellow-citizens, in questions of this kind, call for "a good law on the liberty of the Press;" with what confidence they state their expectation, that this urgent want of the times will, from one quarter or another, from above or from below, in some certain way be supplied; and how incapable they seem of sufficiently manifesting their surprise, that, whether through the inability of the advisers, or the obstinacy of the holders of power, so salutary a work should be so long delayed. It is still more instructive, and not less amusing, to see legislators, statesmen, and well-meaning authors, struggling and straining, and after a hundred abortive trials, still renewing their attempts to conquer this rebellious problem. They would not spend their time and their efforts more fruitlessly, were they to employ themselves in endeavouring to square the circle.

The discovery of a law, or series of laws, which should define, with a clearness and precision sufficient for practical application, and satisfactory as to the freedom of authors, and the security of the State, what ought to be understood by the abuse of the Press, in respect to political relations, is, we are persuaded, altogether impracticable, and this persuasion, which many years' reflection has only served to confirm, rests on two grounds.[1]

The first is, that what is to be transgressed by words, cannot be previously defined, much less exhibited in all its details, by words. The law can explain, if not with perfect, at least with sufficient practical precision, what is to be understood by the terms, highway-robbery, larceny, arson, counterfeiting coin, fraud, &c. Not that these crimes or offences do not admit of various forms, gradations, intricacies, and disguises; but there is in each some matter of fact or distinct principle which a well-digested law can once for all comprehensively embrace and describe. What law, however, can be expected to distinguish the good from the bad, the blameless from the punishable, among the infinite combinations of which human ideas and human language are capable? Who shall draw the boundary, and by what form of words can it be marked out? In framing the law, should those general definitions be adopted with which all the constructors of penal statutes have hitherto found themselves obliged to be contented, the State prosecutor must necessarily resort to forced interpreta-

[1] We do not at present enter into the consideration of the offences of the press against private persons, because the legislation on this part of the subject, though also presenting great difficulties, may be brought to a certain degree, (yet never to a degree completely satisfactory) of perfection, and also because its interest is infinitely inferior to that of offences against the State.

tions, dubious inductions, arbitrary, perhaps violent applications and inferences, or the dexterity and ingenuity of the delinquent will enable him to overstep all legal bounds. Were these dangers sought to be avoided by multiplying regulations, or by the minute enumerations of possible cases of transgression, and a vain endeavour to render them complete, the object would still be as remote as ever, but in its stead a criminal code would be obtained, which would crush the innocent along with the guilty, and under which no author would venture to wield a pen. It is the eternal and unavoidable destiny of such a law to be either too lax or too rigid; and this is an alternative on which all the ingenuity of the human mind cannot escape being wrecked.

The second, and perhaps the chief reason of the impossibility of regulating the offences of the Press by any law, consists in the peculiar nature of these offences. This is a circumstance which has hitherto been little attended to, but which merits a more particular investigation.

Penal laws have usually for their object either the real commission of a corporeal act, or the intention such to commit; and as soon as one or the other of these cases can be shown to have arisen, the greater or less criminality of the person accused is determined. On the contrary, the criminality of a manuscript is not determinable either by any corporeal act, or by any intention of the writer, taken separately, or by both united; a third circumstance, never taken into consideration in other criminal cases, and which distinguishes the offences of the Press from all other crimes, must be added.

The corporeal act of the author or publisher of a manuscript is the PUBLICATION, with that the legal existence of the work begins. The mere composition constitutes no legal crime or offence of any description whatever. As it is permitted to every individual (that is to say, it is not legally prohibited) to conceive the most criminal thoughts, and entertain the most fugitive wishes; so every one, setting aside the internal responsibility he owes to his own conscience, has the undeniable right to write what he may please for his own amusement. The printing, which is the immediate preparation for publication, can, strictly speaking, be considered as only an act of the same nature as the writing. The proper act for the cognisance of the law is necessarily the publication. It is, however, in most cases impossible to estimate the criminality of a work immediately on its publication. This can only be done in the very uncommon case of an author being so injudicious as to be once guilty of a positive crime, clearly defined by the law, or to advise, in unequivocal language, its commission. But such a circumstance would only take the case

out of the class of offences of the Press, properly so called, and place it under the operation of other penal laws. Mere offences of the Press can never be sufficiently verified as such, by the bare fact of publication. A main question still remains open, into the consideration of which we shall soon enter.

As little can the intention of the author, though it should incidentally appear to be either wholly innocent or criminal, alone or unconditionally fix the legal character of a work. It is possible for a paper to be written and published with the decided intention of subverting the constitution of the state, and yet the language of the author, from timidity or incapacity, to be so inconsistent with his object, that no reader could have the slightest suspicion of the original design. A publication of this kind is, according to every sound legal opinion, NO LIBEL. In another work, the author, without any criminal intention, may, from mere levity, petulance, vanity, or a false enthusiasm, write what would shake the established order of things to its foundation.—Such a publication is unquestionably A LIBEL.

Offences arising from the abuse of the Press are, then, with the exception of the few cases which come under another class of penal laws, distinguished by this peculiarity, that they can only be recognised by their *real* or *judicially-presumed* effects; for the acts which constitute them, considered in themselves, are, in the eye of the law, *neutral*. In all other crimes or offences, the *fact* and the *intention* are the only two objects of investigation: here, however, a *third*;—namely, the internal construction of the sense, the character, or, to include all in one word, the *tendency* of the work, must be taken into account. Murder, robbery, fraud, &c. cannot be regarded as neutral acts; independently of any result which may ensue from them; they are, and must always be considered, crimes or offences, according as the law has classed them. A writing, on the contrary, is punishable only when some mischievous effect can either be shown by direct induction to belong to it, or ascribed to it by judicial presumption. This distinction is of essential importance.

The next point of consideration which occurs is the necessary insufficiency, as has already been shown, of all legal definitions of the abuse of the Press. A law cannot, with any claim to precision or justice, approve or condemn a thing, the merit or demerit of which must be decided by its effects alone, and chiefly by its mo-

If the criminality of a work be proved on other grounds, the bad intention of the writer, in so far as it does appear, may indeed have considerable influence on the judgment of the court. But the most criminal intention cannot render a work a libel, which really in itself is not one.

mentary effects. A previously established rule cannot, in this case, form a scale of appreciation to be depended on. A publication may be, as to its effects, in the highest degree mischievous and seditious, without violating a single letter of the most rigid and minutely detailed law. The effects of a publication are, as far as human productions and acts can be, dependent on differences of localities and times, and changes of relations. A statement which, at a certain time, or in a certain place, would be perfectly harmless, and might, perhaps, even be attended with utility; may, under a change of circumstances, prove the most deadly poison. How many perverse or daring political tenets, which are now read with indifference in the most common ephemeral journals, would, perhaps, fifty, or even ten years ago, have produced violent convulsions.

But if legislation be imperfect, in all that regards the Press, and if that imperfection cannot be remedied, the system, under which the abuse of the Press is to be prevented by penal judgments, must resort to some other means of supplying its deficiencies. This is accomplished by a necessary EXTENSION OF THE JUDICIAL FUNCTIONS, to compensate for the insufficiency of the legislative. The judge, in a case of libel, is not merely an umpire between the law and the defendant, but assumes, in a certain measure, the character of a legislator. He does not decide, as in common criminal cases, according to the letter of the law, but according to its spirit only, and what that spirit is, depends entirely on his own conviction. He has to investigate a question of which, perhaps, his previous practice furnishes no example. In every other criminal process, the proof of the offence accompanies the proof of the fact; and whether the fact be in itself punishable, whether it be really an offence, are questions previously determined by the law. But when a writing is the object of accusation, it is precisely these otherwise superfluous questions, which become the most important and likewise the most difficult points of the whole proceedings. And as the judge, in the solution of these questions, can hope for little or no assistance from the law, but must rather, in every individual case, first make the law whereby he is to judge, on him alone rests the whole weight and responsibility of the decision.*

In England, where the law is silent concerning the characteristic

* In order to meet every objection, we shall here observe, that even in criminal trials, for accurately defined offences, the question may arise, whether the act committed be one generally punishable, or whether an unusual and special case has not occurred. But no idea can be formed of an action for libel, in which the question we have stated does not form the principal subject of consideration. It is, as it were, the pivot on which all the judicial proceedings turn.

marks of offences of the Press, the judicial authority exclusively supplies its place. And the fate of every action for abuse of the Press must therefore be wholly and unconditionally subject to the influence of the arbitrary opinion of the judge. One of the most learned writers on this subject has recently shown, that a law on the offences of the Press presents so many insurmountable difficulties, that no reasonable hope of its enactment can be entertained. Any attempt at definition, he states, would, in truth, be vain. All that he hopes for is, that "means may be found of limiting the sense of the word, in practice, as effectually as is desirable:" and he declares, that "if such a remedy can be devised, it is obviously of no importance in what branch of the penal code it is placed."[1] What the nature of the means found in England is, and how far they answer the demands of a proper administration of justice, shall be considered in the third section.

II. Forms of Action.

The ordinary course of the English administration of justice, with respect to offences which interest the state and public order, is as follows: At the periods appointed for holding the assizes, a body, called the Grand Jury, is assembled in every county. This body must not consist of less than twelve, or more than twenty-four, individuals; all inhabitants of the county, well known, and of good character.

According to the regular course of law, all criminal charges are brought before this jury, whether they originally proceed from private individuals, or are prosecuted by the government officers on the part of the Crown. The instrument in which the charge is contained, must be drawn up with the greatest technical precision, in respect to the description of persons, places, the offence committed, &c.; the least flaw renders it invalid. The Grand Jury decides by a majority which must consist of twelve or more of its members. If, then, at least, twelve of that body do not consider the charge admissible, it is rejected. But if twelve or more declare it admissible,—for it is the question of admissibility only on which the Grand Jury has to decide—the charge is referred to the competent criminal tribunal. It then comes under the cognisance of the petty Jury, which, as is well known, consists only of twelve persons, who must be unanimous in their decision. This mode of

[1] Edinburgh Review, Vol. XXVII. pp. 108-9.—To this we may reply, that the means, when once exclusively resigned to the judicial authority are, strictly speaking, no longer comprehended in the penal legislation. We perfectly agree, however, with this learned lawyer, in the belief that no other remedy is to be found.

bringing an action is, in the technical language, termed proceeding by INDICTMENT.

There is, however, another form of action of very old standing,—namely, that of INFORMATION EX OFFICIO—which the attorney-general is empowered to institute. This officer may, without the intervention of the Grand Jury, carry a criminal process immediately before the Court of King's Bench, by an act which is called *filing an information*. Formerly, a number of offences were prosecuted in this manner, particularly those which, as the sages of the law express themselves—tend to endanger the government of the King and obstruct him in the execution of his office. Since the Revolution of 1688, informations at the suit of the Crown have grown much into disuse. Even in the most important criminal cases, (such as those of felony and high treason,) the regular form of indictment is observed. The information is, however, continued in actions for libel, which have, for a length of time, been exclusively carried on in this manner. The real ground of this exception may be traced to the peculiar nature of the proceedings in cases of libel, and cannot remain long undiscovered by an attentive observer. The attorney-general usually manages the prosecution which he brings before the Court of King's Bench, and a full representation of the grounds on which the charge is founded, is referred with the defence, to the decision of a jury. Should the Grand Jury, as in cases of indictment, be called upon to consider the admissibility of the charge, a preliminary instruction of the process must take place before them. But, as in prosecutions for offences of the Press, every instruction of a process, however provisional it may be, must necessarily enter into the merits of the case, the decision of the Grand Jury would unavoidably embrace the main question: LIBEL OR NOT LIBEL? If the decision should be in favor of the charge, the tribunal and jury, before whom the action might ultimately be brought, would have to try over again the same question. Thus the prosecution in the Court of King's Bench would assume the character of an appeal, attended in the case of the acquittal of the defendant with a singularity unheard of in British jurisprudence: namely, that on a question of libel, a second jury would correct the opinion of the first. Instead, however, of resting on this, certainly not unimportant distinction, as a reason for abandoning the prosecution by indictment, it is found more convenient, in England, to justify the form in which the attorney-general proceeds, on the ground of the alleged necessity of acting promptly in cases for libel;—a ground, which, upon consideration, will appear not to have been ill chosen.

After the attorney-general has filed his information, the period for bringing on the trial depends entirely on his will. He may now

years to pass away before the case is delivered to a jury, and there are no legal means by which the defendant can compel it to be brought to an issue, however long it may be permitted to sleep. The Crown prosecutor may even allow all further proceedings to drop without being bound, at any fixed period, to give notice that he has relinquished the prosecution. He has it, consequently, in his power to hold, for as long a time as he may choose, all the terrors of a criminal action hanging over the head of an author. Informations are often filed without any other legal step being taken; either because on a fuller consideration of the case, no favorable result appears probable, or that, from the beginning, perhaps, nothing serious was intended. In this way, some years ago, more than twenty political writers became, in one day, the objects of a charge of this kind; and yet only one of the number was actually proceeded against. Thus, the greater part of the newspapers published in London, were, at the same instant, under prosecution by the attorney-general; but the informations were not followed up. The actions were suspended, and no decision took place. In the mean time, the journalists continued undisturbed to attack, not only the ministers and their measures, but even the attorney-general and the courts. None escaped, however, without suffering pretty severely by the proceedings; for every information, whether the charge be prosecuted or not, subjects the party against whom it is filed, to considerable costs, amounting generally to eighty or a hundred pounds, and sometimes to a much higher sum. The attorney-general has it also in his power, on filing an information, to arrest the defendant, and hold him to bail, until a trial take place, or the prosecution be formally abandoned.

Two years ago Mr. Brougham introduced a bill into the House of Commons to reform the practice, with respect to arrests at the instance of the attorney-general, in cases of libel; but, as yet, no relaxation of the law has taken place. On the contrary, Lord Sidmouth, Secretary of State for the Home Department, issued a circular in March, 1817, addressed to the Lords Lieutenants of Counties, according to which the Justices of the Peace were 'empowered to issue warrants to apprehend persons, charged before them on oath, with the sale or distribution of *blasphemous* and *seditious pamphlets* and *writings*,' and 'to hold such persons to bail, to answer the charge.' This power of justices of the peace, appears to be even more extensive than that of the attorney-general, and were it fully acted upon, would prove a source of far greater oppression.

Measures of this kind, oppressive in form, and nugatory in fact,

The right of prosecuting for public libels cannot, with propriety, be entrusted to any other authority than the executive; and as it is impossible to establish a fixed rule for the guidance of the officers of the Crown, this right can only be exercised to the best of their judgment and conscience, which is, in fact, according to their discretion. Now, since the attorney-general, particularly in unsettled times, cannot bring all offensive publications before the tribunals, he must consequently select from the great mass only such as accident, a momentary feeling, the opinion of others, celebrity, whether merited or not, or the personal relations of the author (to say nothing of higher influences) may recommend to his notice and animadversion; and with whatever ability and impartiality he may execute his office, he must always incur this risk, that for every libeller made responsible for his publications, a hundred equally criminal, and perhaps far more mischievous, must be spared. This is an evil inseparable from a system which has for its object to check offences of the Press, by penal laws, and which never can be entirely extirpated from any state in which that system is established. That it prevails in no slight degree in England, and that the form of action for offences of the Press opens a door, in that country, to manifold irregularities and abuses;—that, consequently, the British system of the Press, considered merely with respect to personal security and literary freedom, is not so satisfactory and free from danger as its foreign admirers imagine, are facts sufficiently proved by what has been stated in this section.

III. Judicial Proceedings.

What has already been stated leads to this conclusion, that if the Press is to be restricted by penal laws, the judicial power in its co-operation towards that object, must assume a peculiar character, determine questions, embrace objects, and undertake tasks entirely foreign to the ordinary course of its proceedings. Indeed, whoever rightly comprehends the causes of the incurable insufficiency of all penal laws, for preventing abuses of the Press, cannot fail to be convinced of the necessity of such an extension of the judicial functions; but whether that extension be in itself desirable is a question which requires further investigation.

The office of judge is essentially distinguished from all other public functions. It presupposes a mass of knowledge and ex-

explain how it happens, that at an epoch, when the abuse of the Press, in England, has been carried to the last extremity, the defenders of popular freedom always find some specious pretext for declaiming on the slavery of the Press, and the tyranny of the ministers.

perience, which lies, certainly, not in a narrow, but yet in a peculiar and detached sphere. For the competent execution of this important office, qualities are required which, even with the happiest natural powers, cannot be fully developed until after a practice of many years' duration. A good judge may also be an intelligent statesman, and a profound scholar, of which there have been, and still are, many celebrated examples. But his proper duties are so extensive, and the merit of fulfilling them so great, that it is not reasonable to exact from him an attention to objects unconnected with his functions.

The duty of pronouncing judgment on a publication, with respect to its effects on the public interests, the mischief it may, under certain circumstances create, and the danger to which it may expose the general tranquillity; or of deciding on any of the relations which may subsist between the author and the public authority, is either not at all, or very remotely connected with the other functions of a judge. This duty is entirely of a political nature, it implies a knowledge of state affairs, of political relations, both foreign and domestic, of public life in general, and of the whole constitution of society, which can only be possessed by one who has a decided inclination, or has paid particular attention to studies of this kind. To desire an ordinary tribunal of justice to pronounce judgment on the political tendency of a publication, is not less hazardous than to call for its decision on the value of a picture or a musical composition. It is, indeed, probable that so extraordinary an amalgamation of functions would never have been proposed by any statesman or politician, had it not been occasioned by the difficulty which, under the system of penal laws, must always exist of referring this duty to any other jurisdiction. The judge must step out of the ordinary routine of his occupations, enter upon new views, and place himself in new situations—often in those with which it requires great efforts of mind to become, in some degree, familiar—if he would perform with only a moderate share of self-confidence and with moderate success, a duty to which all his previous practice can afford neither guide nor assistance.

It is, however, evidently necessary to confide this difficult duty to some authority in the state, unless it be resolved to leave the Press entirely to itself; and if political or police censors are to be abolished, there is no alternative but to establish judicial censors. But let us not be deceived by names. A judge, in so far as he declares a work to be fit or unfit for publication, innocent or criminal, becomes a CENSOR, in the fullest sense of the word; and he pronounces his judgment in his *censorial*, not in his *judicial* character. Thus it follows that the guarantee of both personal freedom and public tranquillity, in so far as respects the Press—

for it would be evidently absurd to expect that guarantee from an undefined and undefinable law—is, at last, founded solely on a CENSORSHIP, in whomsoever that authority may be placed, or at whatsoever time it may be exercised.

The judicial censorship, it is true, takes cognisance of those writings only which, in consequence of their offensive or dangerous nature, are brought before the court by officers or agents of the executive government; and to this circumstance it is indebted for a great part of its popularity. But whether literary freedom—for, with respect to the interests of the state, there cannot be a moment's doubt on the subject—be better secured and guaranteed by judicial than by political censorship, is a question which, when considered in its proper light, will be found very problematical. If the political censor err, to the prejudice of a writer, the worst that can be supposed is the suppression of an innocent work; an occurrence doubtless offensive, and often productive of real loss to the author. If the judicial censor fall into a similar error, the author, who meant no harm, who hoped to be useful to his fellow-citizens, and who believed that he had not overstepped the boundary of fair and allowable discussion (for the finding of which he could, in most cases, have no safe legal rule), has, after enduring all the torments of a criminal prosecution, to atone for his unfortunate mistake by a humiliating sentence, and, perhaps, the infliction of a severe penalty. The political censor, high as he may be placed, and justly should stand, is still the agent of a superior authority;—of a human power, to which he is responsible, and by which he can be set right, reproved, or corrected: his sentence is no iron gate, shut against all representations and reasons. The judge, on the contrary, after he has, according to the best of his understanding, pronounced his decision, is answerable only to God and his conscience. His judgment, whether it merit praise or blame, must be held sacred; and an appeal, were it even admissible in such cases, would only expose the defendant to new dangers, and, perhaps, still greater vexations.[1] It may, besides, be remarked that the veto of a political censor never disgraces an author, but usually raises rather than lowers him in the opinion of his fellow-citizens, if it accidentally come to their

[1] There is no appeal in cases of libel in England. What has been stated in some recent French publications of a reference to the Lord Chancellor, in libel questions, is founded on absolute ignorance and misunderstanding. As, in consequence of the indefinite nature of the laws respecting offences of the Press, the result of an action on that subject can only be a conscientious declaration of opinion, the idea of an appeal from a decision of this kind, which would oppose conscience to conscience, opinion to opinion, and capriccio to capriccio, conveys with it something unnatural and offensive which, under every government, ought to be avoided.

knowledge. Very different is the solemnity of a judicial sentence, which, if unstained by any revolting injustice, always makes an impression on the public: and the author, who is defeated in this last entrenchment, is, in reputation, irrecoverably lost.[1]

The judgment to be given on the noxious or innoxious quality politically considered, of a writing which contains no gross personal injuries, or open instigation to crimes, can only be determined by representations of its practical effects, of its immediate or mediate tendency. This judgment is always, in a certain degree, arbitrary. We do not mean that it is tainted by that unreasonable caprice which, in violation of truth and self-conviction, decides from blind partiality, or some extraneous influence, but merely that it is subject to that discretional exercise of the understanding, which, in consequence of the endless differences in the views of men, makes the same thing appear praiseworthy to one individual and censurable to another. Is it fit to involve a Court of Justice in the contests of parties? or to convert a tribunal, which the welfare of society and the self-approbation of the judge, require to be maintained in respectability and credit, into a theatre of decisions, bearing, though unintentionally, or merely in appearance, an arbitrary character? This is certainly no unimportant consideration. Every enlightened judge, who feels the dignity of his office, would doubtless gladly avoid an occupation which must force him from the salutary circle of his usual steady and regular duties, into an unknown and difficult career, and expose him, without rule or guide, to a new and heavy responsibility. Should he decide against the government, which has ordered the prosecution of an author, what is to compensate for the painful feeling he must experience, on finding himself in contradiction with those to whom he owes respect, and whose opinion cannot be indifferent to him? If he condemn the author, where shall he find refuge, though his own conscience acquit him, from all the bitterness of the partial, furious, and, perhaps, instigated popular cry, with which he will be assailed?

The question becomes still more critical, when it is considered that a tribunal cannot, like the political censor, consider each single case according to its peculiar circumstances; (which are

[1] It must be confessed that, in a country where party spirit is carried to its utmost height, as in England, the most flagrant libeller has always declared partisans and protectors: this however, is not the rule, but the exception. Last [illegible] order of things the case would be different. We must besides, in order to guard against too hasty objections, remark that in the parallel here drawn between the judicial and political censorship, it has been by no means wished to state all the reasons which might be advanced for and against the latter, as we shall take another opportunity to consider the system of censorship more particularly.

often only known to the latter); but, in all investigations, looks to the establishment of general principles and fixed rules. Hence, in times when prosecutions for offences of the Press accumulate, a court, which has acquitted or condemned two or three writings of a certain tone or character, cannot hesitate, likewise, to acquit or condemn all similar publications. Thus a systematic course of proceeding is adopted, which places the tribunal in constant opposition either with the government or with the public. These alternatives must, however, be equally prejudicial. In the one case the government, being impeached by the tribunal, will appear in an odious and inimical point of view: in the other, the tribunal will be regarded as an abject and blind instrument of power. The consequence of such a state of things must unavoidably be, that the judges lose, without redemption, all their independence and dignity—whether existing in reality or in opinion—along with the respect, the favor, and the confidence of the better part of the nation.

To obviate some of these objections, it has been proposed, in lieu of the ordinary courts of justice, to appoint for the trial of publications, prosecuted at the suit of the Crown, a particular tribunal, composed of legal judges, political assessors, and a certain number of men of experience, distinguished for their cultivated knowledge and learning. But such an authority would no longer be a tribunal, but an extraordinary commission, which would very insufficiently and insecurely supply the place of a real court of justice. Whatever such a commission on the one hand might gain, through the nature of its composition, in ability and fitness for judging, it would lose tenfold, on the other, in independence, dignity, weight, and public confidence.

A much better remedy is afforded by the arrangement at present existing in England: whereby, in cases of libel, the judicial authority is, as it were, divided into two separate portions: one of which, the bench of judges, merely superintends the process, and pronounces the final judgment: whilst the other, the JURY, decides on the main question of the guilt or innocence of the defendant. We are, however, far from perceiving in this method that degree of perfection which has been lately ascribed to it, in France, by several men, in other respects highly intelligent. We are rather of opinion that, for pronouncing judgment on political writings, a jury is, in fact, an authority infinitely less competent than the members of a court of justice. But as, according to the foregoing observations, the sentence of no judicial authority, on offences of the Press, can be entirely exempt from the suspicion or the appearance of arbitrary decision, and partiality, we conceive it to be, beyond all contradiction, better that this suspicion or

appearance should attach to a selection from the people than to the Judges. For this very reason, in countries where such forms already exist, or are compatible with criminal proceedings, we should prefer the Jury, with all its deficiencies and dangers, to the exclusive responsibility of the Judge, which we regard as the greater evil of the two.

We shall now enter into an historical explanation of the manner in which the power of the British Jury, in actions for libel, has attained its present consistency, and what, under its authority, the freedom of the Press, in England, has become.

After the abolition of a preliminary censorship in that country, offences of the Press came within the ordinary criminal jurisdiction. As in England no criminal process is carried on without the intervention of the Jury, it naturally found its place in trials for libel. But, in actions of this kind, the power of the Jury was much more limited than in any other process, until at the close of the eighteenth century, when the sphere of that institution was materially extended. We cannot better describe the state of Juries, before that period, than by the following words of Mr. Burke, spoken in favor of extending the power of Juries, in one of the first Parliamentary Debates that took place on the subject:

"It is the very ancient privilege of the people of England, that they shall be tried, except in the known exceptions, not by Judges appointed by the Crown, but by their own fellow subjects—the Peers of that County Court at which they owe their suit and service; and out of this principle the trial by Jury has grown. This principle has not, that I can find, been contested in any case, by any authority whatsoever; but there is one case in which, without directly contesting the principle, the whole substance, energy, and virtue of the privilege is taken out of it; that is, in the case of a trial by indictment or information for a libel. The doctrine, in that case laid down by several Judges, amounts to this: that the Jury have no competence where a libel is alleged, except to find the gross corporeal facts of the writing and publication, together with the identity of the things and persons to which it refers; but that the intent and tendency of the work, in which intent and tendency, the whole criminality consists, is the sole and exclusive province of the Judge. Thus having reduced the Jury to the cognisance of facts, not in themselves presumptively criminal, but actions neutral and indifferent, the whole matter, in which the

[1] Here the three leading principles of the question, the *fact*, the *intention*, and the *tendency*, are properly distinguished. We shall hereafter have an opportunity for showing how seldom this is done, in England, and how often the two last ideas are blended and confounded together.

subject having any concern or interest, is taken out of the hands of the Jury; and if the Jury take more upon themselves, what they so take, is contrary to their duty; it is no moral, but a merely moral power: the same by which they may do any other improper act, the same by which they may even prejudice themselves with regard to any part of the issue before them. Such is the matter as it now stands, in possession of your highest criminal courts, handed down to them from very respectable legal ancestors.

During the first eighty years after the abolition of the censorship, originally exercised by the Star-Chamber and afterwards by a Parliamentary Commission, the question of the powers of Juries, in actions for libel, appears to have been very seldom, or not at all, agitated. There exists, indeed, scarcely any traces, either judicial or extra-judicial, of the discussion of this question. Even though the boundary line between the province of the court and the Jury was then determined by no law, a long usage, uninterrupted and, until the year 1770, undisputed, had sanctioned the rule, that the Jury could only decide on the fact of the publication, and that everything else was to be left to the Judge. All the legal and judicial authorities, from Sir John Holt, the first Chief Justice after the revolution of 1688, down to Lord Mansfield, had constantly and steadily maintained this rule.

Early in the reign of George III. the first publication of an offensive political paper became the occasion of very memorable proceedings and violent commotions in the country. John Wilkes, a Member of the House of Commons, a man of moderate talents, very restless spirit, and little respectability as to moral character, in the forty-fifth number of a periodical work, which he published under the title of the North Briton, dared to make a most violent attack on the king, and charged several passages of a speech delivered from the Throne to Parliament with falsehood. For this offence he was arrested by order of the Secretary of State and sent to the Tower. In the course of a few days he was, however, brought up, by writ of habeas corpus, to the Court of Common Pleas, and Chief Justice Pratt (afterwards Lord Camden) set him at liberty, on the ground that the privilege of Parliament was violated by his person.

This affair being brought before the House of Commons, in November, 1763, by a message from the King, the forty-fifth number of the North Briton was, after warm debates, declared by a great majority a scandalous and seditious libel, and was ordered to be burnt by the hand of the common hangman. In the Address,

[1] Speech on a motion for explaining the powers of Juries, in prosecutions for libel, on the 7th of March, 1771.

vated on this occasion to the King, the Commons formally recognised the principle, that "the privilege of a member of Parliament did not extend to the right of publishing libels;" and the Peers concurred in this address. This proceeding was the more remarkable, as there is scarcely another example, in modern British History, of a Parliament having adopted, or even countenanced, any resolution tending to deteriorate their own privileges. The burning of the North Briton occasioned a dangerous riot in London. Wilkes brought an action against the Secretary of State for illegal and arbitrary imprisonment; and, notwithstanding the decision of Parliament, obtained a verdict of 1000*l.* damages. He then fled to France; and the House of Commons, after summoning him to give an account of his conduct in January, 1764, expelled him from his seat, on the ground of his being the author and publisher of a libel. This resolution was, from the unforeseen consequences which attended it, and the severe struggles of parties which it produced, a source of great vexation to England. It had, however, no immediate influence on the usual course of proceeding in actions for libel; as the question—the libellous character of the North Briton—was not then made the subject of investigation before any tribunal, but was decided by the authority of Parliament.

In the year 1769, there appeared, under the fictitious and still enigmatical name of Junius, one of the most formidable and atrocious libellers which England, or modern times, had ever known. With talents and knowledge of the first order—an eloquence seldom equalled and never excelled—an audacity exceeding all moderation and all bounds—and a malignity which left Milton's Devil far behind—this mysterious fiend kept the British public for two years constantly on the rack, between pleasure and disgust, admiration and horror.

In a series of overwhelming and lacerating letters, he attacked, with equal bitterness and violence, the members of the Cabinet; all the officers of State, high and low; all persons engaged in public affairs; the Courts of Law; both Houses of Parliament; and at length, even the sacred person of the King. Each letter was a moral and political assassination; which destroyed, in public opinion, a previously selected victim, however innocent and respectable he might be. Persons of distinction trembled at his power, as if they felt themselves in the presence of some supernatural being. He carried his authority so far as to write thus to one of the most eminent men of his age—"Meddle no more, thou busy

informer!—It is in *my* power to make you curse the hour in which you dared to interfere with JUNIUS."[1]

After the first alarm, which the address of Junius to the King spread through the court and the cabinet, as well as in all the classes of society, had subsided, it was resolved to prosecute the original publisher.[2] The trial took place in the Court of King's Bench, on the 13th of June, 1770. The Chief Justice, Lord MANSFIELD, in his charge to the Jury, informed them that they had to decide on only two questions: namely, the fact of the PUBLICATION and its TENDENCY, and that, as the former was admitted, there remained for their consideration, strictly speaking, nothing but the latter. It was, however, for the Court to determine how far the paper, which formed the subject of the prosecution, was a seditious and wicked libel. It is clear that, in this charge, the Chief Justice went farther than the existing judicial practice justified; for he conceded to the Jury not only the right of judging of the fact of publication, but also of the *tendency*[3] of the article: and yet the question whether it was a libel, was reserved for the Court! As it is difficult to suppose that such a man as Lord Mansfield could be guilty of this trifling and inconsistency for the sake of sparing the prejudices of the Jury, or conciliating public opinion, this charge

[1] This laconic epistle was addressed to the celebrated Garrick; who, having learned, through the Printer of these Letters, that it was probable they would soon be discontinued, conveyed the intelligence to one of the King's pages; who communicated it to His Majesty. The whole transaction was next day known to Junius.

[2] The Letters of Junius appeared first in the PUBLIC ADVERTISER, a newspaper, published by WOODFALL the Printer; well known for the talents he possessed, (particularly in reporting Parliamentary Debates,) his numerous literary connexions, and the various circumstances of his life.

[3] The word in the original is *Sinn*, which might have been translated *sense* or *meaning*, had not Mr. GENTZ used the word as synonymous with *tendency*. In this particular passage both words are printed thus: «*Sinn* (*Die Tendenz*). In the report of the trial given in Woodfall's Junius, vol. I. p. 856 (second edition, 1814), Lord Mansfield, however, is represented to have said to the Jury —"That there were only two points for their consideration; the first, the printing and publishing the paper in question; the second, the *sense* and *meaning* of it. That as to the charges of malicious, seditious, &c., they were inferences of law, about which no evidence need be given, any more than that part of an indictment need to be proved which charges a man with being moved by the instigation of the Devil." It appears, from a subsequent part of this report, as well as from the account which Lord Mansfield gave of his charge, when he delivered the opinion of the Court, on the motion of the defendant's Counsel for an arrest of judgment, and the Attorney-General's motion to enter up judgment on the verdict, that the question of the *sense* and *meaning*, referred to the consideration of the Jury, was merely whether the blanks or innuendoes, as to persons and things, in the information, were properly filled up, or in such a way as to show the true meaning of the paper.—*Translator.*

the more strikingly proves how uncertain and fluctuating must, at that time, have become the foundation on which the whole system of criminal jurisprudence, with respect to these critical questions, rested.

The Jury deliberated from morning till night, and finally brought in their verdict, in the following words:—"Guilty of printing and publishing ONLY." This verdict was, in every respect, null and void; for the Jury, who were bound to confine themselves to the simple declaration of guilty or not guilty, had overstepped the limits of their authority. The defendant's counsel then contended that, in consequence of the ambiguity of the verdict, all farther proceedings should cease; and the Court, after vacilating between difficulties and scruples of every kind, at last decided for a new trial. In a subsequent Term, however, when the proceedings for the second trial had commenced, the original document (the newspaper), on which the proof of the publication depended, was missing. During the previous trial, the foreman of the Jury had secretly put the paper in his pocket, and afterwards, torn it; and on this slight pretext, but probably on other grounds which it was not thought proper publicly to acknowledge, all further proceedings were quashed.

The trial of Woodfall was the signal for a long course of investigations and contests, respecting the competency of Judges and Juries, in actions for libel. Towards the end of the year 1770, Lord Camden, in the House of Peers, endeavored to obtain from Lord Mansfield some precise explanation as to the tendency of his charge to the Jury, by putting questions, which the latter refused to answer. About the same time Mr. Sergeant Glynn brought the subject under the consideration of the House of Commons, by moving "That a Committee be appointed to inquire into the Administration of Criminal Justice, and the proceedings of Judges, in Westminster Hall, particularly in cases relating to the Liberty of the Press, and the constitutional power and duty of Juries." A remarkable debate arose, which forms, for latter times, an historical record of no mean value; as Fox[1] was the most violent opponent, and BURKE

[1] This happened in the second year of Mr. Fox's parliamentary career. He then spoke with extreme contempt of, what the friends of the motion called the POPULAR OPINION. He intimated that he knew no other voice of the people, and would recognise no other than that which is pronounced by the majority of Parliament.—"Why then," said he, "should we hesitate to put a negative upon a question, which sprang from such a *low source?*—from *dirt* is came, and to *dirt* let it return."—See Speeches of the Right Honorable Charles James Fox, vol. i, page 5.—He expressed himself in a similar style, three years after, in 1774, when the same WOODFALL, who had printed the Letters of Junius, was brought to the Bar of the House of Commons, for a

the most zealous supporter of the motion; which was finally negatived by a considerable majority. In the year, 1771, Mr. Dowdeswell brought forward the question in another and more definite form. He moved for leave to bring in a bill to empower Juries, in all prosecutions for seditious writings, as well as generally in every kind of libel, to decide on the whole contents of the article or work charged as libellous; on its *political tendency*, and the criminal intention of the author; as well as on the fact of the publication; without any exception or limitation whatever. This motion was also rejected by a great majority. Even many who did not object to the principle of the motion, felt themselves embarrassed by the dilemma of condemning the opinions previously pronounced by all Judges and legal authorities, whether the bill should pass as an *enacting* or a *declaratory* law. To get rid of that difficulty, the measure was rejected, and Juries were allowed to proceed in their own way.

But this, and all such scruples, seem to have vanished or been forgotten, when, twenty years later, Mr. Fox, then the hero of liberty and the idol of the people, revived the subject in the House of Commons. He introduced it in May, 1791, by a learned and ingenuous speech; and, what appears very astonishing, carried his bill through almost without opposition.[2] But it was opposed, in the House of Peers, by three high legal authorities; namely, Lords Thurlow, Kenyon, and Bathurst, and thrown out on the first debate. In the session of 1792, however, it passed the House of Lords, notwithstanding the protests of the Judges. This bill declared the Jury, in prosecutions for libel, competent to give a general verdict of "guilty or not guilty, upon the whole matter put in issue upon the indictment or information."

It is not surprising that such a Parliamentary measure should

defamatory article written by Horne Tooke, against the speaker, Norton. In the Speech he made on that occasion, he adverted to the famous contest between the Parliament and Wilkes, the point of Domestic Politics, on which the greatest irritation at that time prevailed; and insisted that it was not the conduct pursued with respect to the Middlesex Election, as had probably been imagined, that had made the House lose the confidence of the nation, but their tame submission to the numerous insults that had been offered to the Sovereign and Parliament.—All his heavy sins against popularity were, however, afterwards forgiven.

[2] On this occasion Burke supported the motion by the speech, from which the above passage, page 25, is extracted. He spoke with such wisdom and moderation that, in the last years of his life, when deeply impressed with horror at the abuse of the Press, he had no reason to be ashamed of the words he uttered in 1791.

[3] Even Pitt spoke in favor of the Bill.

have been carried triumphantly; for the maxim that the Jury, in cases of libel, had to decide on the fact of the publication only, was a manifest departure from the rule which governed all other criminal cases. We should be justified in presuming, even if no particular proof could be adduced, that this departure was not the effect of mere accident, but had its foundation in the peculiarity which, as the ancient legal authorities had rightly observed and felt, distinguishes offences of the Press from all other crimes. But this circumstance, the origin and pillar of the old doctrine, seems not to have been fully understood either by its opponents or its warmest defenders. One thing at least is certain, and, at the same time, not a little remarkable, that it does not appear to have been distinctly brought forward either in Parliament, in the Judicial proceedings, or by the contemporary writers. It is, besides, to be observed, that during the twenty years which immediately preceded the act of 1792, the most perplexing uncertainty prevailed on this subject in the Courts of Justice. Lord Mansfield, in his charges and opinions, in various cases which closely succeeded each other, gave the preponderance occasionally to the one and the other doctrine. Sometimes, as in the case of Horne Tooke, he nearly referred the whole question of the guilt of the defendant to the Jury, and even required them to consider and determine "whether the words of the defendant were meant innocently or laudably." At other times, as in the case of the Dean of St. Asaph—celebrated for the eloquence which Erskine displayed on the trial—he wished to confine the Jury strictly within the old boundaries. This state of doubt and uncertainty rendered a legislative measure, to settle the law, highly desirable and even necessary. And as public opinion had long been declared against the Judges, it was to be expected that the decision of Parliament would be in favor of the claims of the Jury.

Since the act of 1792 no essential change has taken place in the law respecting the liberty of the Press. The act of the year 1798, which relates to the revenue rather than to politics, contains very minute and strict regulations respecting the application of the stamp duties to the common newspapers, and imposes heavy penalties on those who may violate its provisions. But only one single clause has any direct reference to the contents of newspapers, namely, that by which the printers, publishers, &c., are required to prove that any libellous article which they may have stated to be extracted or translated from a foreign journal, has actually been so extracted or translated; and, in failure of such proof, are, for that offence alone, and independently of any other legal punishment, made liable to from six to twelve months' imprisonment. But as this clause in no way affects the right of the Jury to decide

whether the article be libellous or not, it can have no influence on the determination of the main question at issue; and it has, as far as we know, never yet been acted upon.

The decision of Parliament, in the year 1792, is still viewed as the common triumph of the rights of Juries and the Liberty of the Press, and is consequently regarded, by the friends of both, as a most fortunate event. Whether it is proved to be such by its results, is a question to which, on account of the diversity of views and feelings, very different and opposite answers may be expected. We shall not conceal our own opinion on the subject, however little it may correspond with the favorite notions of the day. We must, however, in the first place, remark that this Parliamentary decision might appear justifiable, even to those who entertain a more unfavorable opinion of its practical effects than we do: for there is still another question behind; namely, whether the opposite decision would not have been attended with worse consequences. What might not have happened had the Parliament allowed the old wavering and equivocal practice to continue; or had, by a solemn decision, sanctioned the maxim that Juries, in actions for libel, were only competent to pronounce on the fact of the publication?—The Judicial Power, which, in these stormy times, has too often had to share the fate of the other authorities, would have become, in the highest degree, odious and suspected. The inevitable consequences of every public prosecution against offences of the Press—the analyzing of the offensive article, the defence of the accused, usually more bold and always more mischievous than the libel itself, the scandal of the public discussion, the sophistry of the Counsel, the contest of the Crown Advocates with the Defendant, and often of the Judge with the Jury, in short, all the various circumstances which, in these dangerous proceedings, are of far greater importance, and are attended with far more serious consequences than any verdict of acquittal or condemnation can be,—would have remained unchanged. The Jury would still, as they had formerly done, have sometimes acquitted the defendant, contrary to all legal evidence, on the ground of the proof of the acts of printing and publication being insufficient; or in the case of that being impossible, would, by a dry return of NOT GUILTY, have reduced the Judge to the perplexing alternative of either setting the defendant at liberty, with the fullest conviction of his guilt, or declaring the verdict invalid. The licentiousness of the Press would not have been restrained, whilst the remedies against it would have been still further degraded in public opinion. Thus, according to our view of the subject, the Parliament of 1792, by throwing the whole responsibility on the Jury, made choice of the lesser evil.

But whatever may be thought as to this point, it is certain that the history of the prosecutions for libel, in England, during the last five and twenty years, presents no very favorable picture to those who enter upon a serious and strictly impartial investigation of the political and moral state of the nation. Nothing but the fatality of a blind caprice is to be seen in the fate of these prosecutions. While the boldest offenders are sometimes triumphantly acquitted, insignificant delinquents are often treated with the most merciless severity. For a trifling newspaper-paragraph, an anecdote, inconsiderately adopted and as inconsiderately repeated, a displeasing judgment pronounced upon a foreigner of distinction, &c., individuals are sometimes sentenced to pay heavy fines and to suffer imprisonment; whilst the most avowed libellist remains unnoticed, or is either merely proceeded against, *pro forma*, by the Attorney-General, and never brought into Court, or, perhaps, at length, after trial acquitted, amidst the loud rejoicings of his party.

The lot of a political writer in England, of one, at least, who is not content to confine himself within certain bounds—for those who understand that art enjoy perfect liberty of the Press everywhere—is, in reality, not so much to be envied as might be supposed, from the numerous examples of unpunished audacity; for though he may hope to escape the terrors of an *ex-officio* process, yet he is never certain, even for a day, that he will not be very roughly roused from his reverie. The consequences which attend the mere filing of an information, even to the innocent, have been already explained; and if, at last, the Jury return a verdict of Not Guilty, the Defendant receives no indemnification for all the loss he may, in the mean time, have sustained. Juries are, besides, subject to all the weaknesses and passions of human nature, in a far greater degree than Judicial Tribunals. If they incline to the side of liberty, they view the abuse of it with indifference; nay they, perhaps, even participate in the sentiments, however bold and extravagant, of the author; and in that case the latter has nothing to fear. If the Jury incline, which however now seldom happens, to the side of the Government, and their opinions do not correspond with those of the Defendant, they draw the boundary between the use and abuse of freedom with the utmost severity. Thus nothing can be more uncertain than such decisions. What,

A circumstance of peculiar hardship to the Defendant, in all these cases, is, that he is not permitted to prove, in justification, the actual truth of his assertions. The English law, that is to say, the practice of the Courts of Justice, has decided that (with the exception of civil actions, in which damages are claimed for private libels) the truth of the contents of a writing cannot justify its publication; and that, in all cases, truth or falsehood, as far

however, may always be depended on, is the injury which must be suffered by the trouble and expense of the proceedings. The result is, more or less, a matter of accident.

But what are all the dangers which threaten individuals, when compared with the mischievous influence which, under the present system, the licentiousness of the Press and the insufficiency of the remedies against it, must, to an incalculable extent, have upon the well-understood interests of society, the dignity of the state, the consideration of its servants, public order, union and tranquillity, and the morality and happiness of the people! On this part of the subject it is proper to listen to those men who have never suffered themselves to be carried away by the current of the day, and who, regardless of transient popular favor, have been placed on a point sufficiently elevated to take a great view of great things. Burke, to whom we may be permitted to appeal on such a subject, wrote, in the year 1796, the following remarkable words on the impotence of the Courts of Justice, in cases of libel and sedition, and the reaction of this evil on the depositaries of the public authority.

"Public prosecutions are become little better than schools for treason; of no use but to improve the dexterity of criminals in the mystery of evasion; or to show with what complete impunity men may conspire against the commonwealth; with what safety assassins may attempt its awful head. Every thing is secure, except what the laws have made sacred; every thing is tameness and languor, that is not fury and faction. Whilst the distempers of a relaxed fibre prognosticate and prepare all the morbid force of convulsion in the body of the state, the steadiness of the physician is overpowered by the very aspect of the disease. The doctor of the constitution, pretending to under-rate what he is not able to contend with, shrinks from his own operation. He doubts and questions the salutary but critical terrors of the cautery and the knife. He takes a poor credit even from his defeat; and covers

as regards the innocence or guilt of the writer, is an unimportant question, which the Jury have never to take into consideration; but that they are to pronounce their verdict on the writing, without inquiring whether what the author has published be mere invention, or founded on incontrovertible authority. So says the clear, unequivocal, and hitherto, in all Courts of Justice, rigidly maintained doctrine of British Criminal Law; which, really, presents a most ludicrous contrast to what is daily asserted, respecting it, in other countries! The evident effect of this rule of law has been a prodigious increase of the arbitrary power of the Jury, which, in the present state of things, is certainly, in most cases, exercised to the advantage of the Defendant; though, under a change of circumstances, it might be converted to his greatest prejudice.

Mussabat tacito medicina timore.—Lucret.

impotence under the mask of levity. He preaches the moderation of the Laws, as in his hands he sees them baffled and despised."

This melancholy picture has lost none of its truth: it may rather be said that its resemblance to the original becomes every year more and more striking. Those who have, of late, attentively observed the internal affairs of England, cannot mistake a single trait; and must be able to add many equally distressing. Even since the restoration of peace, this unnatural state of things, this disgraceful and daily contest, between boundless audacity on the one side, and powerless resistance on the other, has not merely been continued, but has even made a most alarming progress. A well-informed writer of the present day, observes that, "compared with this one monstrous evil, all other causes of dissatisfaction are trifling, and can scarcely be taken into account."[a]

The vilest libellers have, with unexampled effrontery, erected their standards in opposition to the Government, not merely in the streets of London, but in every city great and small, in every town and village. Cobbett, still more licentious than Junius, without possessing a spark of his superior mind, publicly boasts of having sold, in the space of six months, one million copies of his unstamped two-penny invectives, and of having circulated them through the hands of two millions of readers! The public authorities are assailed by masses of calumny, falsehood, and odium, which they are no longer capable of examining, far less of repressing. Occasionally, and, as it were, in order that the very existence of Penal Laws, as applicable to the Press, may not be forgotten, one individual, from among thousands who daily insult the Government, is seized, and its scoffing opponents are presented with the spectacle of a public trial. For some time past, every experiment of this kind has been attended by a humiliating defeat. The case of Hone, the bookseller, in which all that could, in former scenes of the same sort, be regarded as mortifying to the Government, and encouraging to those who wish to disparage it, was concentrated in one focus, has, at length, made manifest the long since decided victory of the Press of the Populace over the State, and exhibited that victory in features so gigantic, that, if the Ministry do not devise some new remedies, or call some new forms to their aid, perhaps the wisest determination would be to renounce entirely those criminal prosecutions, and to abandon the Press to its own delirium.[b]

[a] Quarterly Review, January, 1817.

[b] After Cobbett's flight from England, Hone declared himself to be the continuer of the political paper published by the former. Nothing more is requisite to characterise him. He commenced his career by parodying various forms of public worship: in which the Regent, the Ministers, the

Vain would be the attempt to deny the facts we have stated. The friends of an unlimited extension of the Freedom of the Press, guard themselves, however, against the consequences to be deduced from these facts by a kind of two-fold argument: as they either acknowledge the full extent of the evils arising from the abuse of the Press, but maintain that they are more than counter-balanced by the advantages connected with its freedom; or they regard those evils, the reality of which cannot be disputed, as insignificant, and in no way detrimental to the interests of the State.

The supporters of the first view, who are the most powerful and consistent advocates of the Liberty of the Press, say:—We confess that the present situation of the British Press, is neither more nor less than a state of absolute anarchy, occasionally interrupted by the feeble checks of an arbitrary discretion, accidentally roused. We admit also that this state is productive immediately of great evils, and its consequences of still greater.—Immediately, because it converts into poison the noblest nutriment of the human mind, and delivers up the people a prey to the influence of the most worthless seducers.—In its consequences, because by relaxing the ties which bind the individual citizen to the State, it gives rise to dangerous disorders in the social economy, and leaves still greater dangers to be apprehended. But the Liberty of the Press is, notwithstanding, a superlative good, which we do not think too dearly purchased, even at this high price.

——Scelera ipsa nefasque
Hac mercede placent——

Better walk boldly amidst storms and hurricanes than languish in a stagnant morass! If the dangers of the Liberty of the Press can be averted by measures which do not compromise its essence, such measures are welcome to us. If, on the contrary, these measures be unattainable; or, if national customs and national characters

Members of Parliament, the laws, and even the Constitution, were satyrised in the most outrageous manner. There was scarcely a single line in these Parodies, which, if treated as a political offence, by any ordinary Judicial Tribunal, would not have been sufficient to send him to prison or the pillory. But the sad experience of similar cases, in which Juries had protected the most atrocious libellers, seemed to have completely discouraged the Ministers. Other expedients were meditated; but a year of hesitation passed away: *nissabat tacito medicina timore.* At length it was resolved to overlook the political contents of the libel, and merely to prosecute the blasphemous form of the publication. But even this course, which was resorted to in consideration of a certain mechanical respect for religion, which the English people, amidst all their demoralisation, still preserve, produced, after three days of unexampled contests, before three successive Juries, only three similar verdicts of acquittal.

oppose insurmountable obstacles to its introduction, our choice is decided. Rather than the Liberty of the Press should suffer any material restriction, we will take it with all its deformities, disorders, and excrescences.

This language is at least open and manly. Freedom, and Rules, or Law, are the two elements of civil life. To unite both, so that the law shall not destroy freedom, nor freedom make encroachments on the law, is the duty of those to whom the maintenance and government of States is entrusted. The mass of mankind feels the necessity of this union obscurely, and, as it were, by instinct. Among the individuals who are capable of reflecting on the subject, and whose number must always increase with the progress of society, however near they may gradually approximate to the central point of the balance, it must always happen, that either the impulse towards freedom, or the predilection for the law, will obtain the preponderance. Personal interests, education, external circumstances, and the rank, which each individual fills in the State, determine him to the one or the other side. These are the two natural parties, into which the well-informed part of the world is necessarily divided, and must ever be divided under the most perfect constitution, and whose reciprocal disputes and contests never can overthrow the State, if the legislative and governing authorities are raised to that due degree of elevation by which alone the union of conflicting principles and the tranquillity of the whole society can be attained and insured. We do not, therefore, mean to reproach those individuals who, though favorable to the restraints of law, set a still higher value on liberty,—who, were a sacrifice to be made, would rather make it at the hazard of tranquillity than at the expense of freedom—who, without directly approving the anarchy of the British Press, or attempting to dissemble its injurious effects, regard that anarchy as an unavoidable evil, and the inconvenient concomitant of a preponderating benefit. Let them, however, be candid enough not to condemn as slavish spirits, and the tools of tyranny, those who, regarding the subject under the other point of view, are more apprehensive of danger to order than to freedom.[1]

But there is a second class of admirers of the British Freedom of the Press, who, if not in opposition to their better conviction, from mere ignorance, or perversity, assert that the abuse of the Press in England, with all its undeniable consequences, is a slight, nay, even an imaginary evil, which can never injure a firmly established and

[1] It is, of course, evident that the extremes of both parties, namely, the blind enthusiasts of freedom, who are regardless as to the guarantees of public order, and the partial advocates of power, who entertain no respect for individual liberty, are not here taken into account.

well governed State. Every thing in that country, it is pretended, proceeds in the most perfect order and harmony, undisturbed by any abuse of the Press; there the people are happy; the respect for the laws undiminished; the dignity of the Government sufficiently protected; and its power, not only great enough for all just objects, but in many respects, greater than is consistent with the general welfare.—This, which is totally a different view of the subject from that previously stated, is, for evident reasons, the favorite in England, and, at present also, the general and prevailing view in France, Germany, and all countries where questions of this kind are submitted to the deliberation of public bodies, or are discussed by the pen. Resting on these arguments, a great majority of the opponents of all restrictions of the Press, appeal to the example of England, and allege that what is innocent and harmless in that highly enlighted country, must operate advantageously in others, and cannot be attended by essential danger.

We hold this latter view to be absolutely false; for it is not, in the foremost, founded on an exaggerated or misunderstood application of a principle, but on an actual error. It is not true, that the abuse of the Press, in England, is to be regarded as a mere harmless sport on a pardonable indecorum. It is, on the contrary, a severe, enormous, and overwhelming malady, only capable of being withstood by a body, which, if not perfectly sound in all its vital parts, is still strong and vigorous. It is not the immediate operation of respect for the Government, (which has long since been violated by the licentiousness of the Press,) but, the remedies supplied by the constitution—by the reciprocal attitude of the various classes of society and political parties—by the rights and privileges of particular orders—by the resistance which constitutional forms have well secured and confirmed, of the great tranquil mass to the popular excesses, distractions, and innovations,—by all the various counterpoises to the destructive action of a licentious Press, that have hitherto maintained England in an upright position. The antiquity of her institutions; the character of the better portion of the nation, and the influence of distinguished statesmen and philosophers, have also, in no small degree, contributed to her security. A state, less fully armed and prepared, would long since have undergone the most doubtful convulsions, in consequence of the unpunished licentiousness of great and petty libellers, under a legislation and judicial authority which no longer overawes them. Quite contrary to what many suppose, the British constitution is as little indebted to the freedom of the Press, for its origin, as for its maintenance. The constitution produced the Freedom of the Press; but it did not overlook the chance and the dangers of that Freedom; it has, during a whole century, poisoned them by inadequate Penal Laws and

impotent fetus;—it has, at length, been compelled to abandon the field to them, and if it still subsist, it is because it has maintained itself, not *by*, but *in spite of* the degenerate Liberty of the Press.

But why should a question of this kind be driven to its utmost extremity? Why calculate how large a dose of corrupting and destroying matter, a state may receive without accomplishing its destruction? If the licentiousness of the Press do not actually threaten the existence of England, is it no evil to poison all the sources both public and private of her moral life? The disorganising principles which the periodical pamphleteers, particularly those of the common order, instil into the lower classes of the people, are truly alarming in their nature; but still more alarming, when it is considered that the men who promulgate them, exercise an unbounded control over the opinion of millions of readers, who cannot procure the antidote of better writings. Those perfidious demagogues incessantly address the people, in declamations on violated rights, delusive hopes, and real or imaginary sufferings. Every burthen which may fall heavy on individuals, every accidental difficulty, every inconvenience, produced by the change of times and circumstances, is represented as the immediate effect of the incapability, selfishness, and culpable blundering of the administration. The most criminal and absurd designs are imputed to the Ministers; and lest the oppressed should delay to seek redress at their own hands, the future is painted to them in blacker colors than the present. Thus, a thick cloud of dejection, bitterness, and discontent is spread over the nation; men's minds are filled with hostile aversions and gloomy anxieties; and the poor man is at last deprived of comfort, cheerfulness, and all enjoyment of life. Every feeling of satisfaction and security, and of confidence in the Government, the tranquil and willing obedience of the People, their steady resignation under unavoidable sacrifices, and all the fruits and ornaments of a good constitution, are falsified, perverted, and discouraged by the harpy hands of these iniquitous scribblers. That neither the intellectual nor moral cultivation of the people can prosper in such a state of political corruption is self-evident.—Is this then a trifling evil?

But the mischief does not end here. The inevitable re-action of the enormous abuse of the Press, on the spirit and measures of the Government, must be taken into account. Though no statesman ought to yield to feelings of personal displeasure or animosity, though a British statesman must necessarily acquire more than mere other an indifference to hostile insinuations, and personal slanders and calumnies, and though most British Ministers are evidently no great proficients in the art of toleration and endurance, no human nature will permit them to be; yet it can scarcely be supposed that

the daily reiterated attacks of the most wicked and audacious writers should make no impression on them. That they must occasionally cherish a wish to set bounds, in one way or other, to this atrocious disorder, is as certain as that they are men. Indeed their duty, as well as their feelings, must lead them to form this wish. As statesmen, they cannot be ignorant of the pernicious consequences of the evil, and as guardians of public order they cannot regard it with indifference. At the same time they are perfectly aware that it is not in their power to check the intemperance of the Press, by any immediate reform of the laws and institutions connected with it.

There remains therefore no course for the Ministers to take, except to endeavour to maintain a certain balance in the political machine, by redoubling their efforts, to extend their own power, and consequently to limit individual liberty, if not by unconstitutional stretches of authority, at least by every measure which can be in any way reconciled with the letter of the law, and by any means justified in the eye of the legislature. The French Minister of Justice, a short time since, judiciously observed, that the act of Habeas Corpus, the great bulwark of personal liberty, in England, would in these times, have been perhaps less frequently suspended had not the abuse of the Press increased and multiplied the apprehensions of the Government, and that England has thus probably lost, in one of her liberties, as much as she fancies she has gained in another.[2] The justice of this observation cannot be doubted. It appears certain that, of late, more than one ministerial measure would have assumed another character; more than one political transaction would have taken a different direction, had not the licentiousness of the popular writers deranged all the usual modes of viewing subjects, and changed the whole situation of the people, with respect to the constitutional authorities, and awakened distrust and fear in minds which would otherwise have been strangers to either. If

[1] To replace the Liberty of the Press within more restricted legal limits, or to effect any essential change in the Judicial proceedings against offences of the Press, has become impracticable in England, and the attempt would, perhaps, only produce an increase of evil. When a nation, like Great-Britain, has, for upwards of a century, been free from all political restrictions on the Press, and when those who employ it have, during five and twenty years, been accustomed to stand in awe of no Judge, either for its excessive abuse, but to be responsible to a body, which, however ignorant it may be, is selected from the people themselves, it would be a hazardous undertaking to touch such a system. It scarcely need be observed that this is no proof of its excellence. A disease does not cease to be a disease because it is incurable.

[2] Discours de M. le Garde-des-Sceaux à la Chambre des Députés, le 13 Décembre, 1817.

the party, who contend for popular rights, were to consult their real interests, they would exert all their influence to prevent the excesses of the Press. That this party, in England, does exactly the contrary, only proves that the Press is in no way guided by calculations of political prudence, but by jealousy and passion.

THE following are the results of the view we have taken of the system, at present, subsisting in England, for preventing the abuse of the Press:—

I. THE STATE OF THE LAW, in so far as respects the ascertaining and the defining of offences, is, under the present system, almost a nullity. What constitutes an offence of the Press is not specified by any law. An author, who, by means of printing, becomes guilty of high treason, or any similar crime, falls under a different legal system. In all other cases the decision, on the criminality or innocence of a writing, is entirely referred to juridications which are seldom guided by previous decisions, but which usually pronounce judgment from immediate impressions, or from prejudices; in a word—arbitrarily.

II. THE FORM OF ACTION is imperfect, inadequate, and oppressive.

III. THE JUDICIAL PROCEEDINGS OF TRIAL, since the year 1792, are still, in point of form, conducted by the Crown Prosecutor, and subject to the co-operation and control of the Judge; but are, with regard to the final decision, to all real intents and purposes, placed exclusively at the discretion of the Jury; and the manner in which this critical duty has, from that period, been fulfilled, is sufficiently explained by the present state of political writing in England.

But if, notwithstanding these considerations, the ground-work of the system now existing, in England, become a model for other States, earnest attention ought, at least, to be paid to the following points:

I. The corporeal legislation, or the state of the law, as it respects the facts, in offences of the Press—(we distinguish it from the formal legislation which relates merely to the judicial proceedings)—must be carried to the highest point of accuracy and completeness of which it is capable; though it is never to be forgotten, that, from its very nature, the work must always be imperfect.

II. The form of bringing the action, and the manner of conducting the judicial proceedings, must be determined by fixed rules, calculated at least to prevent notoriously arbitrary decisions, either to the prejudice of the state or the author.

III. In countries where the Jury already forms part of the ju-

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AT length, after four years of violent party contest—(on the one hand, of unreasonable resistance to the claims of the age, and partial concessions; on the other, of numerous exaggerations)—there prevails throughout the whole of Germany a general agitation; and that sort of temper, which usually precedes great catastrophes in history, has begun to manifest itself. That which the most active, rancerous, and artful demagogic efforts, working from below upwards, could never, of themselves, have accomplished, namely, the stirring up and exasperating the peaceful, tranquil, sober, and moderate German nation, in all its elements and depths, those who act from above, and hold the extremity of the political lever, have, by subtile anticipations, successfully brought about. But, as in a great measure they dare not, without valid reasons, pretend to the honor of the success, they are boldly preparing to give perfection to their labors, in order that the work, in all its parts, may be found worthy of the workmen. Meanwhile new impulse has been given to the excited passions at every moment when they were about to become calm. With singular dexterity, the weak side of each has been sought out, and advantage has been taken of every opportunity to cut deeper into the parts already wounded. In this way has been discovered the secret of creating a general feeling of discontent, from one end of the country to the other, and of involving the governments in a hopeless struggle with all that is good, noble, and powerful, and leaving them in a labyrinth from which they can never be extricated, unless they abandon the paths which mislead them. As, during the

oppressive heat of summer, the fear of a tempest does not suffice to check the longing for the refreshing coolness which succeeds it, so public opinion is nearly reconciled to any thing, however dreadful, which promises to remove the disgrace of the present moment, and holds out the hope of dissipating the clouds which conceal every favorable star. Accordingly, no alarm is created at the sight of those ominous birds, which are the harbingers of coming storms; of those youth who devote themselves to death, to remove every thing base and pernicious. The news announced from Berlin, of the discovery of a great conspiracy for the establishment of a German republic, produced, therefore, no surprise; for the experience of the last age had proved that there exists a universal law of nature, in virtue of which, one extreme inevitably leads to another.

Amidst all the confusion of searching for papers, the movements of gendarmes and spies, the violation of judicial forms, the prosecution of peaceable men, arrests, discharges, and examinations, which followed this intelligence, one thing only has really astonished the public: namely, that the pursuit of secret conspiracies causes to be forgotten that vast conspiracy which spreads its branches over all Germany, and extends to all ages, classes, and sexes; which sits murmuring at every fire side, walks abroad in the public markets and streets,—which needs no secret sign to recognise its members,—which, without chiefs, acts from one centre, and always in concert,—which, with thousands of eyes, penetrates into the most secret things, and which thousands of arms are always ready to obey. That conspiracy by which irritated national feeling, disappointed hopes, offended pride, and oppressed human nature, are all leagued against blind arbitrary power, the awkward mechanism of lifeless forms, the obstinacy of prejudices, and the gnawing venom of the maxims of despotism to which the corruptions of ages have given birth—that conspiracy which is more formidable than any other, which daily increases in activity and power, must inevitably attain its object; for the danger to be apprehended is not that it shall fall short of that object, but that it may go beyond it.

Meanwhile, in the present state of things, and until the hand which inscribed for the French their *Mene, Tekel, Peres* in the flames of Moscow, shall write our irrevocable sentence in glowing characters on the face of heaven, the command has gone forth to every man whose mind is not distracted by the tumult of the moment, and who can still calmly contemplate

the agitated flood, to stand on the watch-tower of time, to observe and mark the signs, and to call and give warning without ceasing. Assuredly there is a time for being silent, and a time for speaking. When human arrogance, giving the reins to passion, pursues every appetite, every caprice of the imagination—when power, forgetting its origin, and the intrinsic standard of things, dreads a state of affairs which it cannot comprehend, and knows not how to subdue—when not only the moral boundaries of the allowable and the forbidden are broken through, as well as all the delicate relations of the decorous and indecorous disregarded—when all consistency being abandoned, at one time acts of violence and tyranny, at another, of weakness and yielding prevail:—during the attack of such a paroxysm, individuals may well be allowed to step quietly aside, and to confide in that great law which God has prescribed for human society, as well as the rest of nature, by which every kind of presumption is silently resisted, and every immoderate act carries with it the seeds of its own correction. But when, after such a paroxysm, a remission takes place, and, during a lucid moment, reason returns;—when the nature of things repels the attack, and the general bond is drawn closer, then may consolation again be offered, and to speak is commanded. All great events follow the necessity of their nature, have their rise, progress, and return; so also has the frenzy of the present times its periodical flux and reflux, and its critical moments, and, in this respect, there is no change in the order of things. On the contrary, in so far as clear ideas, and deliberate volition co-operate in events, in the same degree has freedom a place in them.

During the last war, the author of this pamphlet often addressed the nation, and obtained its confidence. Fearing no man, and rejecting that timid prudence which never dares to do more than shew truth by halves, he has always openly disclosed the sentiments of his heart. His search has been solely for truth, and whenever he flattered himself he had found the object of his inquiry, he laid his discovery before the public, because truth, without liberty, is, as the Psalmist says, a barred treasure, a hidden spring, a fountain built up; and liberty, without truth, is a worthless thing in the house of the impious. It is, as Haman has heretofore remarked, a cloak to cover baseness and deceit. What follows is intended as a faithful mirror of the age in which its character may be recognised. The author hopes that the spirit which dictates these words may, like St. Elmo's fire on the mast, prepare the

national ship for approaching dangers, and warn her either to seek a secure harbor, or in due time to stand out into the open sea.

When an evil, produced under the influence of unfavorable stars, and confirmed under the disadvantages of circumstances constantly increasing in force, until it finally threatens violent eruptions, is to be thoroughly investigated; and when it is, at the same time, to be examined whether, by a concurrence of resolutions, a remedy might be found, it becomes necessary to inquire into the origin of the mischief, and to trace it through all the phaces of its development to its maturity; the knowledge thus acquired of its nature, may afterwards be opposed to that confusion of efforts and actions which now forms one of the principal sources of moral and social affliction. It is, therefore, impossible to investigate the causes of the misfortunes of Germany, without going back to the Congress of Vienna. That Congress was indeed only the result of relations which have existed for ages, but in as much as it was the work of the free will of our contemporaries, it is responsible to the present and future times, which must recognise in it the fertile cause of the evils to which it gave birth, and which time has only served to increase and unfold.

The hopes and the expectations of Germany, which were disappointed on the first peace of Paris, accompanied the Princes and Ministers to the Congress of Vienna, and made complaints resound in the assemblies of the Sovereigns. Public opinion had promised itself great results from a Congress convoked, after the fall of the universal monarchy of Napoleon, to raise up from its ruins, and reconstruct the European Republic. It was perceived that neither peace, order, tranquillity, nor equilibrium could be hoped for in future, unless Germany, the centre of that Republic, were durably re-constituted. In looking back to history, it was also recognised that the German Empire had existed in security, and formed as it were the bulwark of Christendom, only when its numerous and active parts were joined together by the unity of an Emperor.

Thus following the course of natural instinct, the opinion of the majority concurred in wishing that the stone which the enemy had rejected, should be made the foundation of the building. The idea then formed, was nearly to this effect; that an Emperor would again be placed at the head of Germany, the dignity being hereditary as long as his race should subsist; besides him, for the protection of liberty against this hereditary system, and for the maintenance of the new in-

terests, a German King; next the Dukes of the Empire, Princes, Counts, and Prelates, in a Chamber of Peers; lastly, the Commons, forming a second chamber of the Imperial Parliament. Under this form, each member of the great body, it was expected, would be seen maintaining his own interests, and supported in them by others, while the states would be united, no one exercising dominion over the rest, but all freely obeying a single chief. Such were the bases of the only Constitution which had long been considered suited to the character and the wishes of the Germans. The empire thus reconstituted, would have entered among the European States with all the weight of its power and dignity, supported by the public spirit of the people. The other affairs of the European Republic would then have been regulated according to the principles of justice, and conformable to the rights of the parties.

But when the obscurity in which the Congress was at first enveloped, began to clear up, it was with astonishment perceived, that no great architectural plan had served for the basis of its deliberations. The Uranus of ancient times, emasculated by the Saturn of the revolution, had ceased to produce, and the all-powerful Jupiter, who precipitated Saturn from his throne, had not yet completely triumphed in the contest. Providence had decided otherwise; it was not from the gloom of Cabinets that a faint twilight was to issue. The light diffusing over the new life was destined to issue, in all its brilliancy, from the opposite side. While the people were cherishing ideas of freedom and independence, the Counts had in no degree partaken of that enthusiasm. In a multitude of treaties which were concluded, they thought only of momentary advantages; and when it was time to commence the work, when the two powers which were the depositories of the fate of Germany were to unite their efforts, and firmly adjust the interests of the empire, in relation with less powerful states; when they could have commanded sacrifices, by making sacrifices themselves, to realise their pretensions, they sought foreign support. Austria availed herself of the interest of England, and Prussia that of the Emperor Alexander.

Henceforth there was no longer any question about Germany. She was lost in the midst of Europe. What Austria did to Italy, Russia to Poland, and England on the coast of Germany, from the Elbe to the downs of Dunkirk, Prussia attempted with Saxony; but her claims were satisfied on the Rhine. Following the example of the most powerful, the weak soon began to renounce the idea of forming an empire

by their union, and the passions began to exercise their influence. As the conqueror had broken the Golden Crown of the German Empire, and had distributed the fragments as decorations to his vassals, the ruling powers now regarded themselves as the successors of him whom they had expelled, and the Congress did not consider itself bound to form a new crown out of the pieces of the old one. The Courts outlawed the great depredator on European Society, but they declared all his plunder lawful prize.

Following this principle, the parties proceeded to divide the booty they had gained, and the Imperial Palace became an Exchange, in which souls were weighed and counted like dariks, and where the sharing of a few, more or less, gave rise to violent debates. When the disputes had reached such a height, that swords were ready to be drawn, then Providence, irritated at these wretched intriguers, sent the man of the Isle of Elba among them. He had already experienced the judgment of eternal justice. The Pope had declared him the anointed of the Lord. Before him all potentates had been prostrated, and the world had been humiliated. He who seemed to believe and to esteem nothing, was the man whom our mysterious age admired as its chief organ. He it was who afterwards made his vile adorers blush at the bottom of their souls, by betraying before them all his weakness, and who having thus done justice on them, and on himself, withdrew to shameful obscurity. He it was whom the irritated powers of Heaven chose to be once more the scourge of his own people, and the confounder of the calculations of courtiers.

The nation profoundly felt, and all classes judged like the towns of Sicily, who invited Pyrrhus to deliver them from the yoke of the Romans, when that perfidious ally afterwards endeavoured to impose upon them a more insupportable yoke; thus described by Livy: "Irritatis ob haec animis mussare primum homines, mox palam queri: cur igitur prioris status paenitentiaret, si nunc etiam toleranda eadem forent? Frustra vocatum receptumque Pyrrhum, ut studeat aemulari mores, quos puniturus advenisset. Neque acrioremullius injuriae sensum esse quam cujus auctor haberetur idem ille, qui vindex esse debuisset." Nevertheless, when the war commenced, some of the enthusiasm which belonged to the preceding war was displayed. A complete victory, such as history affords few examples of, seemed to promise to Germany all that her enemies had for ages deprived her of. But in the new peace of Paris, Germany gathered the first fruits of her sanctioned partition, and

her subaltern situation. Even her integrity, as before the war, was not re-established. The few fortresses ceded to her cannot defend her frontiers. Conquered France, strengthened by a new Constitution, arose from the contest more powerful than before. Triumphant Germany retired from it more powerless, and more divided than ever she had been at any former period.

What the Congress had hastily planned was preserved and systematically drawn up. "The new order in Europe, (according to a well-known declaration, emanating from a great power,) was to be a union of interests and a mutual relation of duties; in a word, the work of the events brought about by Divine Providence. A general alliance of all, against him who might wish to disturb the peace, was to guarantee the duration of the system; every other alliance opposed to the grand union, and formed by fear or ambition, would consequently be hostile to the spirit of the age, and only a contest of perjury against the fidelity of engagements—a contest, of the failure of which no doubt can exist, since the prayers of nations and the blessing of heaven are united in the same cause. From these principles there must exist a kind of supreme authority of the great powers over the states of the second and third order, exercised collectively according to declarative forms, without that authority augmenting the power of the stronger or compromising the independence of the weaker." This prerogative of an extensive power granted to the great powers, was annulled at the Congress of Aix-la-Chapelle, and there remained as the basis of the European alliance, only a power purely negative in these mutual relations of the states. Instead of seeking, as during the old system of equilibrium, to establish balancing weights of the opposing forces, every remnant of that system was forgotten: all adjustment of friendly and hostile relations was renounced; no one was to clash with the operations of another, and by this mutual abstinence it was hoped that a lasting peace would be established amidst contending elements.

As, however, it was deemed necessary to establish that negative system on some absolute principle which might serve as its protection and basis, the Holy Alliance was concluded on doctrines which Christian Princes might naturally be expected to cherish, but the renewed sanction of which was still worthy of praise. Had the Holy Alliance been formed with the restoration of the empire before the Congress, and had that Congress been held according to its principles; if, as a first proof of their beneficent influence, they had from that moment gained

the confidence of minds disposed to grant it; then the Holy Alliance would have formed a great epoch in history: but succeeding as it did, to acts not very Christian-like, as a sort of expiation, it could not, in the irritated state of public feeling, excite any thing but distrust, particularly as it presented no compensation for deluded hope. This holy union, succeeding the Holy Roman Empire, might have guaranteed the religious toleration of the different sects united by the contract. But that very religious indifference which could dispense with such a guarantee, destroyed all solidity and security of the necessary guarantees for the toleration of the conflicting political principles, existing in the various members of the union.

If the people were not ensured by similar acts, against the fears of a disastrous future, it cannot be denied, on the other hand, that this vague kind of policy, suitable in every respect to the impotence of statesmen, since it adroitly defers to the future all problems, the solution of which might be despaired of at present, and disdains to direct attention to the relations of future generations, it was natural at a period immediately succeeding violent wars and terrible commotions, at a period which could only sigh after repose, and which would not concern itself, except from absolute necessity, with what was not immediately interesting. This policy being once applied to European society at a period which, by a general law of Nature, was tending towards parcelling, as it had before inclined to concentration,—at a period when, by the progress of events, faith in the power and influence of human wisdom over the direction of great human interests, had greatly diminished, it might have appeared prudent and even wise to establish, instead of the universal monarchy, a European republic at the foot of the altar erected to futurity. But, before all things, the nation was to be snatched from anarchy; the central point with respect to situation was, if not to become the central point of the conflicting forces, at least to remain in equilibrium with them.

Instead of this, the same principle was still applied to Germany; she was to form a minor Europe, and a minor Holy Alliance in the centre of the greater. Not guaranteed however by her own power, the necessary condition of all security, but resigned to foreign protection and the opposition of interests: Deprived of all independent existence, she necessarily remained open to all interests; those of Austria, Russia, Prussia, Denmark, England, and France, met together in this interior sea, which, itself shapeless, changeable, and uncertain, was merely destined to connect together by a feeble link, that which alone had consistency. Unity, the object of the nation's wishes, was

destroyed by this organisation; thus public opinion was in a state of deplorable hostility to the order about to be established. Following the course which had been laid down, unity could only be obtained by perfidy, conquest, war and blood; the federal constitution was therefore merely a suspension of the right of the strongest, a peace of heaven, proclaimed for an indefinite period, after which the strongest might devour the weakest, and avidity, like a hungry lion prowl about in quest of prey.

Thus, Germany must waste herself in times of peace by maining constantly under arms, and in war she will be unable to reap advantage from the preparations of peace. Each part must support a heavy burden as though it were a whole, and the most patient resignation will be followed only by the common misery. As no internal link unites these parts they must necessarily yield to the agitating external forces, and attach themselves to the interests of neighbouring states. Every war thus becomes a civil war, and the country is ruined both by friends and foes, without being consoled for the ravages of war by the blessings of peace; for in every treaty generosity will be exercised at her expense, and she will be left in a convenient situation for all the great rivals.

The Congress of Vienna had devised this arrangement with respect to Germany; after examining various plans, every one of which was more impracticable than that which preceded it, the federal act was adopted with all its feeble arrangements. A that federal act which, (a circumstance of which history furnishes no example,) convoked a council where nothing could be decided by a majority, but where absolute unanimity was required;—that act which created a pure democracy, the Diet, of which consists of courts, all differing in sentiment, interests, and relations, and a central power having no authority over the different members who ought to obey it;—that act which rests on an executive power which is powerless, and which as it is unable to proceed against the refractory, is incapable of doing any thing, because it cannot gain over the minority whose vote is negative. Finally, the Germanic Diet is a legislative power, which can never establish its competency and a judiciary power, to which no one can be held obedient. If such a constitution could succeed, it would be to nations the most convincing proof that they might entirely dispense with government, and the Germans alone, always sick in despair, might endeavour to go along with it.

But the child never belies its parent. The theory of mental apathy and indolence, applied to the confusion of the relations

which subsisted in Germany, and which imperatively demanded positive activity, and well-understood and continual operation, began to manifest its pernicious effects. At the Congress, the maxim prevailed of making no sacrifice to constitute Germany, and even of requiring no sacrifice of any one whenever it should be refused. For the same reasons the Courts, forming a part of the Confederation, did not find that it marked out to them any new line of conduct; thus the confederation was separated into as many factions as it had members, and the latter agreed in nothing but the division which their own decrees had so thoroughly established. In spite of the inaugural dissertation delivered at the opening of the Diet,—in spite of the well-applied quotations from Montesquieu and Schiller, which occasionally resounded in the meetings of the ministers, the people could form but slender hopes on a work of so feeble and delicate a nature; and with increasing despair, they daily observed the formless constitution struggling for form and consistency.

At length, time brought about a decisive proof; when by a combination of extraordinary circumstances, Europe experienced a scarcity of the first necessaries of life. Then the governments of the different races of the same people, in boundless selfishness, closed their frontiers in defiance of every feeling of neighbourly love, and mistaken prudence joined to the ravage of Nature, brought about a half artificial famine. When, at that period, the federal Diet could find no other remedy, when at a later moment it could give only a half satisfactory promise, that such a calamity would not in future recur, the nation beheld with terror the evils that would ensue under a need order of things, when to the dictates of the most cruel selfishness should be joined the fear of foreign influence threatening or forcibly taking possession of some part of the territory; when flattering seduction should give excitement to self-interest, or when artful diplomacy should sow the seeds of discord, and offer a high reward for treason. From that moment the wind was broken over the head of the constitution, and Germany was deceived in the just hope of seeing an end to her unhappy division. The people deeply felt all that subsequently ensued, but without being astonished at the inevitable effect of the first principle; they saw every attempt of real activity defeated, the justest remonstrances disregarded, the most urgent and important affairs lost in vain forms, indefinite delays, and the machinations of egotism and caprice. It was easy to foresee the consequence of all the acts of the Diet respecting the liberty of the press, trial by jury, the system of

constitution, the qualification of voting, and the protection of the German navigation; and finally the system of customs established, as was pretended, for the revival of trade, like the serpents of the Laocoon, twining round parent and children, and strangling them one after the other.

The nation, thus deceived in her first expectation, found herself compelled to rely solely on the particular constitutions of the different states of the confederation; she summoned all her strength, and in case of refusal, all her pride, to gain that object which, at a subsequent period, might become a new point of departure, for obtaining what she momentarily renounced. The third article of the federal act, at first cast in a tolerably good mould, and then clipped, with all possible art, was finally circulated in so doubtful a form, that for some time the device of that diplomatic medal was explained as merely affording the people the right of expectation. Besides this article, the King of Prussia had added to the edict of May, 1814, declaring the form of the future representation, the patent of the 5th of April, which established the general basis of the constitution.

In another quarter of Germany, in Wirtemburg, the work of the constitution was already begun; in no other country had the absurd dogma of absolute power been carried to so great a length; and consequently there opposition had been most violent. When the King, from the Vienna Congress, remarked the movements of the new era, he thought it no difficult matter to satisfy its claims by a few tricks, having the semblance of liberality, without thereby yielding a foot of ground in arbitrary authority. The power which despotism had hitherto exercised in despotic forms, fancied it had done enough by infusing into those forms an illusory liberty, as Napoleon did on the 18th Brumaire; thus despotism, instead of retrograding, would have attained its highest summit, establishing a self-styled liberty by cabinet orders. In this manner the first constitution was commanded in Wirtemburg, and the assembly of the states was convoked.

But in that country there still existed a number of men who had seen the last rays of declining liberty, and these men in the natural course of things, evinced an opposition which, resting simply on ancient right, refused to acknowledge usurpation and its consequences, as a fact constituting any right whatever, and who, standing on the firm ground of history, denounced to the world the perjury of the usurping power. That power, which was already tottering by the fall of him who supported it, could not oppose this mass of intellect, strength, energy, and

just claim, and the Court, after vainly contending for some time, at length granted the 12 well known articles in which it offered at least an undisguised liberty.

The contest respecting the form had not subsided when the old King died. His successor not possessing the usurpation as an acquisition, but merely as an inheritance, commanded more confidence. The twelve articles were extended in a constitution which was presented to the states. But in the warmth of the conflict personal passions had been roused which unceasingly nourished the suspicions that had taken root in the public mind. The states looked with an eye of distrust on a work which could be founded only on the pleasure and will of the Prince, good, it is true, but in its very nature variable; they required that the constitution should be established on the basis of their ancient rights, their history and established usages, so that, being thus supported on the sanction of past ages, it might obtain a legitimacy even greater than the dynasty itself. The Court, on this occasion, convinced of its good intentions, was irritated at an opposition which, being directed against many things, good in themselves, and which the adverse party did not disavow, appeared perfectly unreasonable; the states, on the other hand, in consciousness of their good historical right, (which was the stronger in their minds as they entertained no very favorable sentiments with regard to the present,) would on no account relinquish their claims; they justly conceived that it was right to forego even the favor of the present moment, if it were to be purchased at the price of all the past, and that what the people had once possessed ought to be regarded as the root on which every new branch should be fastened.

In the conflict which then ensued, as it generally happens, the party which defended ancient usage, evinced the petty caprice which attaches importance to accessories; the narrowness of mind incapable of distinguishing between the essential and the accidental; the limited view which cannot rise above the ordinary horizon; the conceit and pedantry which has also its share of fanaticism:—on the other hand, there arose in defence of the production of the moment, all that is praiseworthy in the present age, combined with all its error and absurdity; the haughty temerity which passes over things, situations and relations; the fantastic generalisation of all that is specific in universal abstractions; finally, the levity which overturns all in its continual restlessness, so that nothing acquires consistency and strength.

In this violent conflict it was not long ere the crisis arrived;

and the King, as a general, being accustomed to vigorous attacks, but forgetting the old rule of war to construct a golden bridge to the routed enemy, determined to grant the eight days' respite, which afforded no choice to the Assembly of the States. The latter, convinced that a constitution could only be durable when founded upon constitutional principles, convinced that a liberty *granted by order*, and which in reality was to commence with an act of servitude, could afford no guarantee for its duration, a second time rejected the improved constitution by a vast majority, which was only obtained because the commons had not differed from the nobility respecting future claims, but had prudently concurred with them in the contest with the court.

If the defenders of absolute power triumphed on this occasion, they never manifested more complete ignorance. Two constitutions rejected one after the other, the first for its foundation, and the second for the form of presentation; a court vainly appealing against that decision to the primary assemblies; the unity of sentiment in those who were interested in the work, together with the certainty that the negociations would be sooner or later resumed, were not circumstances on which they could congratulate themselves. The conduct of the States of Wirtemburg proved what security and confidence the cause of the people had acquired; what power and energy the age and circumstances had imbibed when conditions so acceptable could be rejected. The conduct of the States was at the same time a great example to Germany; it taught how the noble contest between liberty and arbitrary power was to be maintained. It displayed on a small scale, what history universally shows on a great one, namely, that when things are secretly carried to an extreme opposition, they as secretly gather strength; and when despotism or vice think they have obtained the long-wished for object, the enemy unexpectedly rises up and hurls them to destruction.

In those ages when the usurpation of the rights of man hurried on with blind self-interest, disregarding many thing else, that power called popular opinion was first formed out of imperceptible elements. No sooner had it acquired consistence than it rose against the abuse of power, selfishness, and the moral degradation of courts. When the revolution broke out in European society, it carried to excess the principle of opposition. The people who were first induced to contend against the revolution, afterwards reluctantly became the victims of despotism, and having for a length of time been dragged to execution in the cart and wheel, finally

rose in favor of independence, when blind elements had begun the work of Providence, and they were roused by the consciousness of their own power. Public opinion then proved that it had become a power, certainly not yet represented at the Congress, but dictating promises and concessions in the 13th article. In the events of Wirtemburg it had, for the first time, a sitting and a voice, to regain the ancient rights of nations; it had been put to the test, and henceforth confident of its own power, it regarded with a dissatisfied eye what was passing in Northern Germany. Then the Prussian government, which for a time appeared to have been acting for the welfare of Germany, according to the maxims of her own Anti-Machiavel, turned to the page of the adroit Florentine in quest of principles which might not be in direct opposition to all spirit of justice. Two parties existing throughout the whole of Germany united in Prussia, towards the close of the war, because in that country, where every thing was absorbed in military despotism, their interests and principles experienced less opposition than elsewhere. These parties were, that of Frederick the Great, which formed the majority, and that of the Napoleonic innovators; but both were equally inimical to liberty and favorable to absolute power.

We are not so unjust as to include in the same condemnation the two elements of this coalition, which were frequently united in one individual. Of all the States of Germany, Prussia alone during latter times, presented a history; she alone had produced a great man during the present age. The laurel which encircled his brow was not certainly a civic crown, and his sword had been stained with the blood of Germans; yet he was not the first who had shed that blood, and the order which his arm overthrew was already tottering and near its fall. He has been reproached, not without reason, for introducing foreign and frequently impure manners, ideas, and maxims; but it ought not to be forgotten that all he saw about him was insupportably rude, narrow-minded, petty, and pedantic; and that what he introduced from foreign nations, though acknowledged by the progress of reason to be somewhat frivolous, was nevertheless cultivated by men of talent, and must then have appeared a bold and laudable emancipation. Subjecting all to his own views, he introduced into public relations that destructive mechanism which still holds Prussia in chains; but he cannot be blamed, because the age which succeeded him did not know what was best suited to it, and preserved with religious respect, as the palladium of its safety, that which he would have rejected with scorn had he lived at a later period.

That piety should bring dead offerings to the past is not censurable. It was right that what was valuable of former times should not be lightly sacrificed to the spirit of innovation. But it ought to be recollected that Prussia was no longer the same after the introduction of new and dissimilar elements; that a revolution in ideas had taken place; and that there was a conflict between what should be and what had been.

But the example of Spain was at this time too seductive for the possessors of power. Old abuses appeared so easily restored, and innovations so quickly banished, that a victory so cheaply won could not but excite to emulation. It was true that a similar attempt had failed in France; but then each government flattered itself with success. Even in France the party that wished to produce a counter-revolution was not discouraged. After the allied Powers had collected the wrecks which the explosion had dispersed, that party ascribed its failure to too much moderation. It was wished, but hardly hoped, that Prussia would refrain from making a similar experiment. For a long time much had been said in that country respecting the existence of a secret society called the Tugendbund (the league of virtue), which had for its object to obtain liberty and resist all subjugation, particularly that which was foreign, without infringing on the loyalty due to lawful princes. This society was said to consist of different ranks, distinguished by particular signs, all bound together by solemn oaths, without knowing each other, obeying chiefs, in their turn subject to a grand master. All the secrets of the Tugendbund, equally inaccessible to fear and to hope, were believed to be preserved under pain of death, without any human power being able to protect him who betrayed them, from the vengeance of his associates.

It is possible, that during the period of foreign oppression such plans might have been formed, and their execution attempted. The strong might, in imitation of an old artifice, persuade the weak and uninformed, of the existence of such a society in order to cause their courage. The rumors of a secret association which reached the enemy, served to disquiet him, and the governments favored the useful fable. The invention is now recollected, to be turned against the inventors. Distrust appears to be an evil inseparable from the situation of princes, an evil which in the order of things belongs to them, and serves to balance the advantages they possess over other men. Lord Bacon has well observed, that in general kings are in that unfortunate disposition of mind that they have little to desire and much to fear; that at the height at which they

are placed, having nothing to wish for, their minds become weak, and are obscured by suspicion. The distrust of princes forms the ground-work of the most perfidious plots of courts.

Soon after the second peace of Paris, a person high in office delivered to the King a voluminous manuscript, intitled "*What have we to fear or to hope from the secret Societies in Germany?*" in which the Tugendbund was denounced. The author pointed out men of the first influence in the State as being connected with it, and hinted that what had contributed but little to save monarchy, now threatened its very existence by the most dangerous plots. "During the war," said he, "the society had circulated pernicious ideas; and owing to the concessions which the government had been compelled to make, a spirit of insolence had gained ground, and the people had imbibed notions formerly foreign to them." He regarded Prussia, like every military state, as essentially monarchical, and all that tended to disturb the security of the monarchy endangered the existence of the state. He hinted at the means of repressing the evil,—the necessity of blasting hopes of which sound policy forbad the realisation—of gradually removing those men who had become dangerous by their popularity, the statesmen, by giving them remote diplomatic missions, the generals, by prudently removing them from active service, and the inferior members, by at once depriving them of all influence. Finally, the author pointed out all the resources of that infernal and artful policy which men of the present age practise when they wish to rid themselves of their opponents in silence and darkness.

As an instance of the levity with which men of this stamp acted on such occasions, and also that it may operate as a warning in the present outcry about conspiracies, I shall quote a passage from the latter end of this Memorial; the author undertakes to answer the question, "What can the Royal cause gain?" and he says:—"The members of the Tugendbund receive among them all men of talent and influence, without regard to moral principle. Else would they have sullied their honor by the reception of a Reisach, a Gruner, or a Goerres? Therefore, fled from Bavaria as a criminal; the second, in 1813, broke his parole of honor, and threw the state to which he was bound into the greatest danger; he married the mistress of a Frenchman, &c.: Goerres was a French agent up to the year 1813; he then wrote in the spirit of the Jacobins, as he now writes in the spirit of the Germanic Union. I have been informed that M. de B——, from his views, opinions, and situation at that period, is in all probability the author of this Memorial. I shall write his name fully whenever I acquire the certainty that it is really his production. At present I shall merely declare that the author, whosoever he may be, is an infamous and contemptible slanderer; not for what he has said respecting me, as I do not consider my [illegible] by these [illegible] calumnies, [illegible] the [illegible]

The King, who had actually raised the arm of justice against certain men and their intentions, was alarmed at the abyss which appeared open beneath him, and the anti-constitutional party proclaimed their views as far as it was possible to publish them, in the work written by the famous Von Schmalz. The way in which this work was received in Prussia and throughout Germany, might from the first have convinced the writer's instigators of what they had to expect. General disquietude instantly placed public opinion under arms. Never did the decisive superiority of truth, talent, and energy, over baseness and perfidy appear more victorious; never was a defeat more complete and humiliating. The party, beaten in conflicts of every kind, confounded at so unlooked-for a defence, and being, moreover, not much gifted with courage, fled behind the throne, convinced of the impossibility of calming otherwise than by an act of authority, the commotion which had been so culpably and imprudently excited. The King forbad the affair to be henceforth alluded to: a decision equally unworthy of the Sovereign, who ought never to side with a party, and of the people, who cannot be prohibited from freely discussing public affairs, and more particularly all that regards public accusations.

The impression produced on the whole nation by this revolting scandal could not be misunderstood. A public denunciation of so pompous a nature gave just offence, and when the charge of treason vanished into smoke, to the shame of the accusers; when the nation saw through the gross fabrication, then the blackest ingratitude was laid open, and the abortive scheme appeared nothing else than an attempt to bring back the old, abhorred, and absurd state of things. From that fatal moment slumbering distrust was awakened, and the government was closely watched, in order to discover with certainty its intentions.

Unfortunately the events which immediately followed, proved that the party, though seduced to silence, had not renounced its intrigues nor its designs. On the contrary, it appeared that every thing which the Memorial had recommended to the King began to be carried into execution. A highly respected general was removed from his command, and the whole pack of railers which had been chained up since the fall of Napoleon, opened upon him in full chorus in the Gazettes, and particu-

proachable female, whom I have been compelled to allude to, and who enjoys in the esteem of the city of Coblentz, where she has been brought up, the best intelligence against her infamous traducer.

larly in the Allgemeine Zeitung. They raised the cry of a Wallenstein, and even pretended to have found a Seni and Piccolomini; and the halberd was only wanting in the insulting juggle exhibited to disgusted Germany. At the same time there commenced in the same Journals, that shameful sort of reasoning the object of which was to prove that the King was not bound to keep his promise, and that therefore either no constitution, or only an illusory one, should be given. Articles having an official air, have continued to appear during four years in the public papers, and their worthless character has, more than can well be conceived, embittered and inflamed men's minds.

As this was also the time for carrying into effect the organisation of the Provinces on the Rhine, which were represented as the focus of revolutionary feelings, inflamed by haughty Proconsuls, it was thought indispensable to apply to them the same principles, in order to extinguish as quickly as possible the dangerous flame. The work was begun on a violent and arbitrary system. All interests were trampled on, promises were eluded—even the propositions of the Government Commissioners were despised, and the whole was concluded according to the opinion of two Ministers, ignorant of the relations of the country. These provinces, already irritated by the general distrust, looked to the Government for redress; and when the latter acted as in Poland, the days of old Prussia seemed to be revived. After a violation of the most solemn promises, any thing might reasonably be expected; confidence was lost, and a spirit of opposition has since prevailed throughout the provinces, which it would now be difficult to calm. In all these unfortunate situations, what was observed by the Roman Consuls in the affair of the Aricini and Ardeati, whose landmark the people wished to usurp:—*Famæ quidem ac fidei damna majora esse, quam quæ æstimari possent.*

In the other parts of Northern Germany no better results were obtained. In the Provinces of Holstein and Lauenburg there had existed, since 1816, a Commission, consisting of the deputies of Prelates, the Knights of the Empire, the Cities and Bailiwicks, convoked to deliberate on constitutional propositions made by the court. This deliberation was also attended with no result. The King of Denmark, by refusing to extend the future Constitution to the Duchy of Schleswig, proved that he was not disposed to do more than he was bound to do by the treaties he had signed; and from his unwillingness to grant a deliberative voice to the future states, it

was plain he wished to explain these treaties only in a way favorable to arbitrary power.

The influence of the age could not be very powerful in Mecklenburg, where an order of things, which had existed for ages, was still firmly established; where a powerful nobility shared among them the land on which the peasantry labored like slaves; where the free middling classes had not yet acquired the right of setting forth those claims to which the progress of civilisation entitled them. Thus an organic law of the state, published by the two reigning houses, merely ordained that in all discussions with the States, the will of the Government should constitute the law. The opposition to this order of things not resting on historical events, but founded on general ideas, no result was obtained. The ingenuous proposition of the deputies of the people, for changing the subjects into citizens exercising their rights by immediate deliberation or delegation, and at once destroying hereditary nobility and servitude, was of course rejected.

In Saxony, the old constitution of the States had been restored. The aristocratic representation, convoked conformably to that constitution, was necessarily disposed to follow the example of the Government, and to exclude all amelioration, under pretence of prudence. But little attention was devoted to granting the representative right to the peasantry—converting the deputies of the cities into real representatives, and admitting to the States the landed proprietors who had hitherto been excluded. Thus the Government granted the States only a deliberative voice, and denied them the power of proposing original measures, as well as of giving a *veto*; the proposed reduction of the standing army was refused; as to the demand of submitting to the States a report on expenditure and revenue, it was declared that the King, during his fifty years' reign, had never required taxes beyond what were needful, but that he had gratefully accepted the gifts granted by the States.

In Hanover, the spirit of the age had not prevented the aristocracy from resuming its influence, with which had returned the old character of the Government; just and good intentioned, it is true, but attached to worn out forms. An Assembly of the States which proscribed publicity, and in which merely the power of inactivity prevailed, could not convert the oscillatory movement into a progressive movement. However, the Hanoverian Government made several praiseworthy concessions. All that remained of the ecclesiastical domains was referred to a prudent administration, and the

revenues applied to the support of churches and public education. The exemption from taxation was abolished; a measure peculiarly favorable to the treasury, as the amount of taxes continued undiminished. A diet was granted to the seven lordships of East Frizeland, and magistracy was restored in the capital of that province. Torture and the oath of purification were abolished; and even the introduction of the trial by jury was thought of. All this, though imperfect, deserved the gratitude of the people.

In Hesse, to the advantages arising from the return of the old prince, were united the disadvantages inseparable from an attachment to antiquated forms; and which were the greater, as the prince had not relinquished his passion for hoarding money. The general misery returned with the absurd importance attached to the army. All negociations with States were broken off, whenever it was proposed to separate the public treasury from the prince's private purse. A constitution was offered for a sum of money, and the purchase not having been concluded, the thirteenth article of the federal act was passed over in silence. The dispute with the purchasers of domains, which was properly settled in Brunswick and Hanover, became a public scandal in Hesse. Hesse having become entirely stationary, gradually withdrew from the community of the Confederate States, and appeared to be justly reproached for disregarding the general interest.

This state of things in the North of Germany could not tend to conciliate the people, who longed for solid and popular institutions, and for future security. Repose and tranquillity are doubtless necessary at a period immediately succeeding violent commotions; yet it should not be the repose of inertness, but of prudence, gaining its object by a regular and easy pace. It was acknowledged that Germany could gain nothing by the restoration of the feeble order of things that prevailed before the revolution.

Assuredly those storms, traces of which may still be seen on the horizon, have not passed over Europe to restore the empire of mediocrity which they overthrew. That constriction, which, like ossification, binds up the nobler parts of life, will never again be mistaken for health; that immutability which fettets ideas, will no longer pass as the model of civilisation and cosmopolitan sentiment.

We cannot now be content with a mode of government which disowns all that is elevated; which selects only what is petty and confined; which, incapable of distinguishing between causes and effects, is startled at the most ordinary events, and

plunges into precipitate measures. The spirit of the age can no longer endure the cold pedantry which acts only according to the rigid method, and which, on the least surprise, or in any case of importance, is at a loss how to proceed, because then the rule forsakes its slaves.

Neither will history henceforth assign a place to courtiers worn out in heart and mind, who make a study of insignificance; she will no longer admit ministers who can command ciphers, but not men. She demands brave and experienced men, who estimate forms according to their value, without being slaves to them; men who can boldly mount the fiery steed, and guide him in his ardent course.

Certainly one of the problems of the present age is henceforth to establish government on the tranquil and stable welfare of the mass of mankind. But cabinet despotism, invented in Italy, first practised in France, and thence transferred to Germany, cannot usurp the place of limited will, which is free and powerful, because obedient to the law. The finance system, which has ruined Europe, is not ameliorated, because equal taxation has been established, by augmenting, instead of diminishing, the public burthens. We cannot preserve an order of things in which duties and rights are unequally distributed. The present age has not recourse to the past, that it may be forcibly imposed, whenever it shall be found favorable to despotism, as was the case in the North, and withheld when it shall prove inimical to arbitrary views, as in Wirtemburg. The spell of dangerous conspiracies from abroad, and which fettered the whole power of Germany, is broken, and she no longer participates in the blessing of Issachar, the son of Jacob, who was "like a strong ass couching down between two burdens."

If the events of the North gave rise to such considerations, the situation of the South excited others of an opposite kind. That part of the empire had long been French Germany; for the provinces of the Rhine were united to France at the democratic period of the revolution, and the principalities on the other side of the river were made subject to her by the Confederation of the Rhine. Throughout these provinces democratic ideas and a spirit of independence prevailed among the commons; the courts alone sided with the fallen revolution, and transplanted it to Germany in its despotic form.

This revolution was a judgment of heaven, to punish first France, and then the rest of the world, for a long succession of crimes, and finally to discharge the debt of blood which had been growing up from race to race, augmented by the interest

of each; and the reformation was a similar judgment for the punishment of hypocrisy, selfishness, and the decay of the old church discipline.

During the reformation, the princes of the North at first involved themselves, and then involving others, soon succeeded in controlling the popular commotion: the purification of the Church was the commencement, and the end was the shameful pillage of the Church. The grand idea of the throne of St. Peter, first undermined by the ambition of the priests, was totally destroyed by the selfishness of re-action. The triple crown of the Pope was shared among the princes, as ecclesiastical sovereigns; in some places, it fell to the ecclesiastical aristocracy, or even to the commons. In the present instance, the Western courts leagued with the reverse side of the revolution, which was unlimited despotism. The pillage of that half of the Church which had escaped the reformation, the oppression of the weak, the destruction of popular rights and privileges, the loss of independence, and the annihilation of the Imperial Throne in Germany, were the results of this alliance.

In this state of things a new class of statesmen rose up, totally different from those who had survived the grand movement in the North, who afterwards conformed to their principles. The latter, the slaves of the past, acknowledge nothing that now exists, and cherish a profound horror of all that is to come; they are only attached to the earth by time gone-by. The former disregard both the past and present; they consider what has been as the prey of the tomb, and imagine themselves the masters of the present and tyrants of the future. The children of the day that gave them birth, they protest against all that has existed before them, and hope that their will may become the law of futurity, forgetting that the men of to-morrow will seek to annihilate them in the same manner as they attempt to destroy all that is dated from yesterday. Having no idea of the calm and regular progress by which nature perfects all things, they refuse to acknowledge it, and their impatience has recourse to mechanism. In their hands, the state becomes a steam-engine, and they would rise and descend with it, moving immense weights, so that the machine may work, and at the same time renew its power. In this mechanism, which would reduce every thing to right lines and numbers, all the lines must terminate in a central point, and the numbers become a unit; so that despotism may calculate and direct from the centre, unimpeded by the troublesome independence of any relation. All is sacrificed to the pre-

vailing idea of the moment; and nothing is so firmly established but it may be overthrown. All great things that have taken root in time, are treated as rebellious, and every effort is made to extirpate them, so that nothing may remain but the giant labors which they themselves have pictured in perspective. There is neither fidelity, love, nor any of the best feelings of human nature in their works, in which nothing is requisite but what they style common sense; and they unscrupulously burst through all human relations, moving from one end of their chess-board to the other, pawns, bishops, castles, and knights. Their constitutions are not social systems to endure the rights and interests of free men; they are inscribed first on sheets of paper, then splendidly bound up, and when one edition is exhausted, a new one appears. Thus no blessing attends their works, because they are all built in darkness; every new day overthrows the creations of yesterday. Tormented by vain cares, like Saturn, they unceasingly devour their own offspring. Gifted with energy and talent, they might be the saviours of their country; but involved in the corruption of courts, they have become her bane. These violent and turbulent spirits having seized the helm of affairs in one half of Germany, whilst the other half is still enslaved by statesmen of the opposite system; the country is reduced to that state, in which one side is attacked with apoplexy, and the other by St. Vitus's dance; thus while one half the government is in a state of asthenia, absorbed in vague reveries, the other is afflicted with hyperesthenia, and wastes itself in extravagant delirium.

All that passed in Germany at the period of Rhenish Confederation is yet fresh in recollection, and therefore it would be useless and hateful to recur to those events. When the empire of Napoleon was overthrown, and public opinion loudly protested against the courts which had adopted his system, a reaction arose, created out of various motives. The mild forms of arbitrary power hitherto exercised, were totally hostile to the new claims of the age; but offended pride sought to maintain what existed against the order of things which threatened encroachment, and bitterly repelled all who set up old pretensions.

In this difficulty, the statesmen who had been chiefly instrumental in bringing about a return to the Napoleon principles, followed the example set by their master on his return from Elba, and joined the liberal party. But as to the claims subsequently to be fulfilled, they who first reduced, and then a rich provision was made of those papers and phrases which

never possess their nominal value, a store of gilt toys was collected to divert the public. These are favors which cost nothing; liberties which exist without ever being granted; concessions prudently neutralised by laws of exception; finally, all those senseless forms and subterfuges which human prudence considers necessary in public affairs. When these gew-gaws had found their admirers, it was hoped to redeem with them the first concessions; and such was indeed the result. Despotism having assumed the form prescribed by the fashion of the age, once more became a marketable article.

The Grand Duchy of Nassau had, previously to the Congress, obtained a constitution tolerably good in theory, but which produced but little in practice. Under pretence that the constant change of territorial relations did not admit of the convocation of the States, the Constitution remained three years suspended; and meanwhile the apparatus was prepared for extinguishing all the turbulent passions and *demagogic plots* which were to burst out in the Legislative Assembly. Consequently, it was declared that the assembly should be *constituted*, but in no way *constituting*; and it was allowed no share in the institutions brought about by a change of internal relations. It was thought enough to require the consent of the States to important edicts.

To guard against the terrible power of the twenty representatives of the people, the Government was fortified according to the rules of war. The principal bulwark was a multitude of powerful men in office, enjoying like the nobility particular privileges, and directing from the centre, by means of petty magistrates, the minutest affairs of the country. All ecclesiastical affairs were centralised; and then by consolidating parochial property, and establishing a central treasury, the clergy were made officers of state, and paid by the public. Physicians and lawyers, who always form two independent classes, and who took so active a part in the French Revolution, were deprived of all means of annoyance: the former were transformed into officers of state, and paid from the district treasuries; and the latter were excluded from the tribunals and bailiwicks. Trade corporations, the shameful remnants of feudalism, forming states within the state, were destroyed. But as there were still among the nobility some who preserved independent principles, discord was raised between them and the commons, by allusion to Ultras, who wished to do all *without* the people, and Jacobins, who proposed doing all *by* the people: the latter were opposed by the privileged class, and the former by the second chamber. This

terrible democracy being assembled, after an adroit choice, ministerial despotism could proceed apparently *with* the people. That this imposing attitude might not be weakened by the unanimity of the States, who presented the address of thanks to the Prince, he protested in some measure against such concurrence as unconstitutional.

This being done, the Government Commissioner, Ibell, with all the arrogance of despotic will, visited a small number of deputies, ignorant of business, and chiefly depending on the Government, and explained his decisions and creations, which he required they should sanction by their approval. How could the little sparks of democratic principle have been compared to this vast conflagration? When the States, alarmed at so powerful an authority, demanded a syndic to direct them, their claim was regarded as absurd and treasonable. When some districts wished to exercise the right of petitioning the States, an outcry was raised against the demagogic design, and its authors were cruelly persecuted. A patriotic and meritorious officer of state was driven from his post and exiled.

Thus were the States shut out from every path, that opened by the Government excepted. The principle laid down was, that all the domains of the different provinces became the property of the ancient counts and princes of Nassau when they assumed the ducal coronet. The court was thus rendered completely independent of the States; and as the supplies required were to be found in the way pointed by the Government, every thing of this kind was anticipated. The system of taxation had been previously established, on the laudable principle of equalising the burthens on agriculture and trade. A considerable part of the expenses of administration was imposed on the district treasuries. These were charged with the allowances of all the local authorities, down to the lowest officers, including the night-watch. There remained, therefore, for the budget only the expenditure for the great machine of the Government, and for the States scarce any thing else than that of revising the receipts and expenses as a high chamber of accounts. They corrected some trifling irregularities, and made some unimportant financial arrangements. Finally, they broke up, carrying home with them the praise of having been quiet, prudent, and well-meaning representatives, but also destined to receive the loud censures of the people.

This censure produced a discontent which could not fail to disclose itself in the following session. As it could not, under such circumstances, appear in the moderate manner of a

regular and firm opposition, a commotion was unavoidable, when several districts had suffered great distress, and a poor tax was imposed. The insolence against which this commotion was directed might have learned from it, that human patience can only be abused to a certain point. But such explosions are only temporary, while a well-planned despotism proceeds regularly forward. Accordingly the whole of this unsystematic resistance ended with a second act of violence upon another officer; and the secret was discovered of making a Constitution, which was not altogether bad, annihilate itself.

Thus was exhibited an example of the modern art of making constitutions, which establishes equality among men by one common system of slavery, and which holds up freedom to ridicule, as an empty illusion—a work, the pattern of which was borrowed from France—a microcosm executed after the manner of Napoleon's macrocosm. And lo! the master saw that the work was good. There were two Chambers, a Council of State, an Ultra, and a Jacobin party, all harnessed to the triumphal car, which drove on amidst songs of liberty; then came an official Moniteur, which, at one time waving the thyrsus of liberal ideas, exclaimed, *Evoe Bacche!* at another blew the bird-call by which liberal gulls are caught. In the train of the car followed vanity, silly self-confidence, the passion for organising and innovation. Finally, to this grand exhibition may be added Hunt and the Spa-Field orators of the county of Katzenellenbogen; and yet better, the blessing of a discovered conspiracy. O frightful folly of the age!—after a long course of deception, at last believing its own lies, abandoning nature to give a theatrical color to things, and turning society, the State, the Church, and all that is respectable on the earth, into a disgusting farce.

What succeeded so well in Nassau, had before been tried in Bavaria. The Minister, Montgelas, who, on the same plan, formed the Constitution of 1808, proclaimed another at the time of the Congress of Vienna. Montgelas was dismissed, and the ministry which succeeded did not possess either the influence or the art necessary to perpetuate his system. The King granted a Charter, in which too much anxiety for the preservation of royal prerogatives appears; but which, nevertheless, gives the people advantages by which they may be enabled gradually to abolish bad institutions, and substitute better in their stead.

The Bavarian Diet did not, therefore, resemble those gloomy apparitions which serve to deceive the age. The second Chamber, after acquiring some constitutional experience,

manifested a very laudable spirit. Many of the oppressions which nations suffer, were brought into discussion. Preparation was made for the introduction of new institutions. A limit was set to great abuses, and the disorders of the age were brought to the solstice point of amendment.

The union which prevailed between the Cabinet and the Chamber was, however, soon dissolved, when the latter, after examining the extremities of the body politic, began to approach the internal vital parts, in order to medicate the disease of which States, in the present age, perish. When it was proposed to reduce the army, and to make other economical and financial reforms, when the arbitrary acts of the administration, which affected even Courts of Justice, were opposed, then that patience, too imprudently relied on as liberal, was exhausted, and the passions which have so often disgraced Germany raged in all their fury. The first Chamber and the Council of State assumed it to be their duty to make a stand against the popular claims. It was pretended that, according to the Constitution, the supplies ought to be generously granted, without any condition of radical reform. Having refused to allow the troops to take the oath to the Constitution, on the ground that the army was not a deliberative body, they were allowed to deliberate on addresses favorable to the Cabinet. At last the Prince was, in a very undignified manner, involved in disputes, which may be regarded as the memorable beginning of a contest, the termination of which, though uncertain as to time, is by no means doubtful with respect to the result.

Similar events in the Grand Duchy of Baden had a similar result. Constitutions had succeeded each other there as rapidly as in France. One, doubtless intended to exhibit something original in German absurdity, was framed, as expressed in the title, "according to objective and subjective relations." The Roman Consuls were not so quickly changed as the Ministers. At last the Court granted a Charter in fulfilment of the 18th article, which was very generally approved. In the assembly convoked in virtue of this Charter, the talent for business which distinguishes the people of Baden, and much practical experience, was displayed.

When, however, affairs advanced to the critical point, when the question of the part the States ought to have in the Germanic Diet came to be considered, and when measures of economy were agitated, the Court determined to put an end to the discussions. The States were not merely dissolved, but dismissed, and the Constitution violated, [illegible]

in operation. This was another proof of the degree of estimation in which a Constitution was to be held, which, resting on no historical foundation, and unsupported by free institutions, and powerful corporations, depended merely on caprice, was granted by a Cabinet order, and revoked by the same authority.

The venerated authority of ancient law opposed a more successful resistance to arbitrary power in Wirtemburg. The King, irritated at the opposition made to some well-meant measures, threw himself into the arms of a party; but the momentary triumph thus obtained, was followed by a complete defeat. To punish such a course, Nemesis wanted neither dagger nor poisoned cup. A small error in the financial accounts, which had slid in among the ciphers, like a serpent under flowers, was sufficient. At last the King, with a truly laudable confidence, summoned a new Constituent Assembly, and Wirtemberg enjoys the advantage over all other German States, of having established its system in a constitutional manner, and in harmony with the Government.

While this conciliatory co-operation served to calm the irritation of public feeling, it has, on the other hand, been still more deeply wounded by the fermentation which prevails in Rhenean Hesse. We there see a prince of excellent disposition, entangled in the complicated relations of an age which he but ill comprehends; a ministry divided, embarked on the stormy sea of politics, without chart or compass, and driven about by every wind; and finally, a people who know their rights, and boldly demand them. Such are the elements of this contest, which may at present cause some apprehension, but for which a favorable result may be predicted, when we consider on the one hand the benevolence of the prince, and on the other the firmness of the people.

That the contrast between North and South Germany, long established as a general principle, should not however extend to particular cases, it has been thought fit to transplant the feeble timid character of the Northern Governments to the South, by the Constitutions given to the Tyrol, Gallicia, and the small territory of Vaud; while, on the contrary, an active, intelligent, but arbitrary princess of the North opposed her equivocal liberality to ancient rights in a manner as tyrannical as any thing practised in the Confederation of the Rhine.

Whilst, beyond the Rhine, the political reformation has gradually attained the point to which the English Episcopal Church has arrived in religious reformation, the provinces on this side of the Rhine rather form a kind of political Cal-

vinism, which the cities of Swabia and the Rhine have vainly sought to adopt. The deputies of the Circle of the Rhine voted in the assemblies of Bavarian States, with the inflexible spirit attached to the realities of the political school adopted in the provinces of the left bank; though they have been occasionally misled by preconceived opinions, yet in all that regards the practical interest of their provinces, they have proved themselves intelligent and prudent. The same spirit was evinced in Hesse, on this side of the Rhine, and excited violent opposition to the distant governments; it was of course decidedly evinced in the possessions of Prussia, under whose sceptre is united the chief portion of the Rhenish territory.

When that country was allotted to Prussia, the extremities of Germany were united; and the diplomatic benediction which heaven has hitherto refused to confirm, was pronounced on this union. This union was entirely heterogeneous. On the one hand, a state, connected together merely by a King reigning in the plenitude of despotism, by cabinet orders, without any legal constitution; next, a world of administrators secretly organised, govern with the most complex forms; next, a severe military spirit, inclined to compress life within the limits of subordination. On the other hand, a people without a native sovereign family, a race of nobility almost extinct, and an impoverished clergy; next, a middle class, not opulent but easy, obedient, but not subjected; suffering the bridle of the law, but offended by every arbitrary act; embracing all that is practicable, and devoted to the public interests; not hostile to the profession of arms, but detesting the domineering spirit connected with the military state.

Principles so opposite, could not tranquilly come in contact; and the disadvantage of the conflict was of necessity wholly on the part of the new masters, who had appropriated to themselves all *action*, and resigned to the subjects only the *passive* character. Thus when the government first lost public confidence, the people, by dint of observation, soon discovered its feeble points. The present was unanimously rejected, and all attention was fixed on the progress of the Government in forming the Constitution. The creation of the Council of State was observed with satisfaction, as the first step towards that formation. The installation of the Commission for preparing the Constitution, the formation of the Commission of Justice, and the abolition of the secret Police, were also measures agreeable to the public. When three members of the Constitutional Commission were sent into the different provinces to ascertain the state of public opinion, the measure,

though somewhat late, was regarded as one step in advance. But after the return of these members, when it was found that the Commission did not meet for a second sitting, the tardy movements of the government excited fears of its retrogression.

Meanwhile the Chancellor visited the Rhine, and new hopes were cherished. He had accepted the famous address, and the discussions which ensued between him and the deputation led to the expectation that re-action was at an end. But when the King did not sanction the promise he had authorised his minister to make; when he manifested displeasure at the inhabitants; when he extended that displeasure to the local government for having permitted what could not be justly prevented; and when he bestowed approbation on those who wished to put down the expression of public opinion by violence; then the people were silent, but a fresh blow was given, and the old wound was re-opened.

When, however, the people of the Rhine objected to the interference of the nobility in this affair, they showed that their attachment to abstract right was stronger than their feeling for natural equity. The same feeling prevailed in the outcry against the paper presented by the nobles to the chancellor. In rejecting, with republican pride, the aid of a corporation which never can be dangerous to liberty among us, the advantage of founding claims on ancient rights is inconsiderately renounced; and not having been equitable, equity cannot be demanded from the aristocracy, in many respects powerful.

From this moment the idea of an essential retrogression in the principles of the government became general, and every thing that afterwards took place strengthened this opinion. The establishment of the university of Bonn, and the result of the immediate commission of justice, were, it is true, received with gratitude; but the new measures of finance soon counteracted the favorable impression. When the duties abolished by the provisional government were restored, and various other burdensome taxes imposed; when, of all the liberality of anterior years, nothing was preserved but the military conscription, then opposition could not fail to show itself; and as the people could obtain no good by petitions, it was natural that they should wish to avert evil by protests. The local government afterwards proved that the people had paid the four dollars a-head required by law, and that nothing farther could be raised; but the minister reproached the Municipal Council with acting on narrow views, and held out the prospect of new taxes. It was then curious to see a system, though thus

pushed *ad absurdum*, go on apparently unperplexed; but every one felt that it was necessary to put an end to this indifference by a constitution.

Besides these political relations another cause, the state of the Church, agitated Catholic Germany, particularly on the Rhine and in Westphalia. Since the secular festival of the reformation, there had been displayed in Protestant Germany an arrogance very unlike true Protestantism, which is modest and humble, and which, while adhering to the words of Scripture, does not reject as absurd the belief of former ages, on which the Catholic religion reposes. In such proceedings it had no part, but rather appeared exactly in the relation in which it admits a more rational faith, and with freedom penetrates to the bottom of things; since the particular is in its most extreme point united with the general, and as, when the dross is removed from both, the pure silver appears, so in this respect Protestantism and Catholicism are related to each other as integral and differential methods.

But in this affair was shown that gloomy spirit which, incapable of overcoming the difficulty, by cutting the knot on the side of nature, misses also the historical solution; which arrogantly founds its claims on all that is transitory, fleeting, and worthless; which holds up its imaginations, vanities, and passions, as great and good moral laws; and which, stops at the cross road to explain history, while she proceeds in her car of light on her course, regardless of the dirty atoms that float in her beams. This is the spirit which has raised the cry that Catholicism was dead and gone, and had only forgotten to get itself buried; and which now offers out of compassion, as it were, to do honor to the deceased, by attending the funeral, and to assist in breaking the chain which has enslaved the human mind, and overthrowing the tyrant.

On the same grounds that it was formerly the practice to preach up a coalition of Princes against the remaining shadow of imperial authority, a similar coalition against the Pope was recommended. The Catholics having heard these instigations in silence, a dreadful picture of the Jesuits descending from Switzerland was drawn, and the history of all the mischief the Popes had ever done was collected in the journals. It was then proclaimed that the Protestant maxim of the prince being the head of the church, should be applied to Catholics in Protestant states. Thus it was not sufficient that the prince should be head of the army, and of all other orders in the state, but he must also, as *pontifex maximus*, have power over the conscience, in order that in case fanaticism should revive, he

might, like Henry the VIIIth of England, roast those who acknowledge the Pope's authority, and rack those who deny it. Hence the cry against the Bavarian Concordat, and the applause given to Wessenbergh, who, though a worthy man, acted improperly in availing himself of the temporal power to support a bad cause against the See of Rome.

The distrust which these ill-disguised designs excited was strengthened by the proceedings of the Commission for Concordats in Protestant States, partly composed of Protestant delegates. A journal published some of the propositions made to this Commission, by which it appeared that it was intended to reduce the Pope to the fisherman state, which the apostle his predecessor abandoned when he followed Jesus. In one country, a decree for the abolition of celibacy was prepared, but was withheld on account of the expense which might be occasioned by pensions to the widows of priests. These things must have made an unfavorable impression on the public mind, though the result of the labors of the Commission might tranquillise those who were informed of them. Conciliatory measures were adopted, and it was hoped that the Vatican would not permit the abolition of archbishoprics or the nomination of Catholic bishops by Protestant princes.

Prussia, in the population of which four millions of Catholics are included, did not concur in the decision of the Commission, and her refusal was attributed to the wish not to be outdone in liberality on this occasion. The King had made promises which the chancellor had renewed; but, after all, the Church was left in a more wretched state than under the French. The parchment deed of the Holy Alliance was carefully laid up in the archives. Edifying discourses on piety and Christian virtue supplied to a certain extent the old official style; but the Christian maxim of giving to every one his due, was not practised. All the ministers signed the order for alienating the last remaining domains, as if they had wished to divide the iniquity among a great number. It was pretended that it was better to get rid of the domains, as that kind of property served only to attract the enemy. In the same way the provincial documents and manuscripts returned from Paris were removed to Berlin for their better security. Afterwards, when the religious institutions were abolished, when the established Reformed Church could with difficulty defend itself, when the local governments wanted to compel the Catholic clergy to yield on the question of mixed marriages, these and other arbitrary proceedings turned public opinion in favor o the clergy. Then the government assumed the negative cha-

racter peculiar to the age. But suspicion was roused, and the temper of the Catholics became a new principle of dissension.

The agitation appeared chiefly in publications. When Prussia imposed a severe censorship on the journals, the spirit of free inquiry sought another asylum, where its ideas might have vent. That asylum was found in the constitution of Weymar, which had abolished censorship. Then commenced the war between the self-emancipating age and state policy. The Isis, the Osiris, the Anubis, the Nemesis, and the Patriot, all in different ways defended liberty. At their call, other voices were heard resounding from the mountains of Switzerland, through Wirtemburg to the Danube, along the Mein, and in all the South of Germany, while Northern Germany was nearly struck dumb by the censors. All these united voices formed a chorus, which, though not always in harmony, and sometimes forgetting the rules of prosody, loudly reminded the heroes who stalk along the political stage in the cothurnus, of salutary practical regulations, and neglected truths, and of good advice which they had despised.

But this chorus, long banished from the modern stage, where confidants and bed-chamber courtiers had usurped its place, having again made its appearance without invitation, could not expect to meet with a kind reception; and indeed its presence was only endured with impatience. The corporation spirit which governs German courts, soon repelled this dreaded innovation. A diplomatic campaign was commenced against the journalists, in which, as in all great hunts, the noble animal, pursued by the dogs, and harassed by their cries, at length falls down lifeless, or is obliged to plunge into a pond or a quagmire. For persecuted writers a quagmire, German jurisprudence, was at hand, in the very place where freedom from censorship had been granted. The hottest, after tarrying a short while in this filthy bath, found themselves soon sufficiently cooled to check their zeal in the cause of the country. All tedious constitutional forms were however soon put aside, and after giving Oken the choice between putting an end to himself or to his Isis, they were at last both banished together.

Other writers thought more of themselves than to run the risk of such a destiny, and prudently made amicable arrangements with the government. It was allowed to speak in general terms of liberty, but every particular arbitrary act and bad institution was to be spared. The middle ages, the feudal system, and various other things, were left open to comment. The crimes of the King of Spain might be freely censured, and

the German John Bull might serve occasionally as a subject for ridicule. On these conditions, the buccaneers of the press received letters of mark to cruize against the neighbouring governments, until the latter had the weakness to form a concert against the attack. It was then declared illiberal and unjust to attack the government which had been insulted only the day before.

The people, irritated by the misrepresentations of their pretended organs, and the secret persecutions of their friends, turned to conversation and tradition rather than writing: the spirit which pervaded society, the rapid interchange of ideas, added new vigor to public life, and established a common centre, whence thought diverged in all directions. Thus nothing was concealed, every citizen felt the disgrace of his country, and imparted his feelings to others. Thus judgments on persons and things are founded on facts, and are rarely unjust, though they may occasionally appear severe.

That tribunal which judges the living, is not influenced by printed falsehoods. Men who imagine themselves impenetrable, are already distinguished by the title which an irrevocable decree has assigned to them. Actions and events, which they thought they could disguise, are known to the whole world. Only the accused are ignorant of what is going on; at least if their own consciences do not convince them of their guilt. This tribunal becomes the more severe, in proportion as the liberty of the press is restricted, and that at the cost of those who exercise misrepresentation, because they are unable to defend themselves. Thus many events which appear incomprehensible, may be explained by the influence of the tradition of popular opinion.

In the various movements produced by the causes already mentioned, the liberals, who, during the period of the deliverance, had concurred on the necessity of establishing a more suitable order of things, separated into two parties:—one, called the *historical* party, acknowledged that Germany was better, when united under a protecting chief, and divided into different states and corporations, she florished independent and vigorous;—when, esteemed and respected from without, she could repel every foreign power which presumed to attack her. This party also acknowledged, that when the head was weakened and the members too powerful and dissolute, disease pervaded the whole frame:—that by increased incongruity disease gained ground, and, after the reformation, burst out in that violent and incurable paroxysm, which afflicted the State, until the enemy overthrew the bettering form and bound it to his triumphal car, strewing

its members in every direction, as Medea scattered the limbs of Absyrtes.

The historical party were of opinion, that the form alone being perishable among nations, new Germany must rise out of the elements existing in the distinctive character of old Germany, and according to the type which always prevails in formative principles; so that the spirit of the parent might be visible in the offspring, and that Germany might not be a new nation, the bastard of neighbouring states.

They therefore concluded that the problem to be resolved was to free the original form of all the corruptions it had imbibed, and to renounce all that vanity had constructed, without regard either to history or the nature of things. They wished that the traces left by the spirit and institutions of our ancestors should be carefully followed, departing from them only so far as the changes in relations rendered indispensable, and that a new Germany might thus be created out of the ruins of the old.

The other party, however, considered things in a different point of view. Why, said they, should we go back to old Germany and the fragments of an organisation, which might have been good when it was created, but which has now vanished for ever? Why should we venerate the superstition attached to old heroes and saints? The old churches are destroyed, and a new faith is established. The institutions of former times might once have been good, but their wrecks are a burden on society; we see in past ages only the empire of superstition and oppressive feudalism; and though the phantoms of some great men may float amidst the gloom of the middle age, yet no sacrifice to the dead can call them from the tomb. The reformation and the revolution have thrown a wide abyss between the past and the present age. These events have rendered Germany a new nation, and a new world has risen from the deluge of the middle age. Form decays and perishes, but life is constantly renewed; and since ages pass away and relations change, each generation should create what is best suited to itself. If old Germany be dissolved, things have returned to their origin, where no empire existed, and where history can teach you but little. But if you wish to benefit by the instructions of history, let the revolution be your guide. In the short space of a few years the history of the world has passed before you; you have seen, but not studied it; it might have been engraven on your heart and senses, whilst to your imagination the middle age appears like a blue spot on the horizon.

This difference of views cannot embarrass him who coolly and impartially searches the depths of history and his own existence. If it cannot be denied that every independent nation possesses its own individuality, and all purified individuality must be in harmony with what history has produced generally, it will not therefore despise history, nor will it act blindly from its own views.

On the other hand the historical party will not exclude from the past, either the reformation or the revolution; for they acknowledge that every particular history is impressed with the character of general history, as the English revolution may be traced in the French revolution. But these two revolutions have produced, as an essential institution, a representation of the commons, which Italy claimed in the middle age, and which Germany wished to obtain under the Suabian Emperors; and because she did not obtain it, the empire lost Switzerland, and was deluged with blood by the league of the cities against the Sovereigns, and the war of the peasantry. Thus as all faiths concur in the idea of the Supreme Being, so all the divisions of the liberal party agree in the idea of the country, and they remained united as long as the enthusiasm excited by the war of emancipation lasted.

But enthusiasm acts only momentarily in history; it is led on by passion and interest, which separate by an ever-widening breach what at first seemed only a slight difference of opinion. The historical principle is a generality comprehending the most diversified things. Good feeling selects only good from the past, but self-interest seeks its own advantage. The former goes back to the remotest ages celebrated for good institutions, but the latter does not go so far in quest of roots on which to ingraft its selfishness. There were in Prussia, at the period preceding 1806, some who joined the friends of the good old times; they included two classes of individuals, namely, the imaginative and the pedantic, who in Germany are connected even with the best of things: the former dream of the middle ages after the style of the tales of chivalry; the latter utter words void of sense, and pore over Haller's book, which, with many good things, contains many of the errors of these two classes.

To this theoretical trifling were joined practical interests still more offensive. Among the institutions which had descended to us from the middle age, the institution of nobility possessed the most direct importance. The Congress had declared the *Standesherren* (Members of the States) to be the most privileged class; but as the territorial sovereigns would make no

sacrifice, and as every party sought only their own interests, the latter claimed what they termed their old rights, and interpreted the 13th article of the Congress in the way most favorable to themselves.

But when the fulfilment of the article came under consideration, and the claims of the nobility could only be satisfied at the expense of the commons, the latter protested against them, and then the old times began to excite suspicion. Soon a long train of claims and privileges were set forth, and the princes being tardy in the fulfilment of their promises, the blame, though in some degree unjustly, was thrown on the nobility. Thus animosity increased; a great portion of the aversion merited by the present, was fixed on the past; and history was regarded as an arsenal, in which all folly, tyranny, and despotism, could find arms.

Whilst Germany was thus preparing new misfortunes for herself, France had speedily restored the stage which had fallen with Napoleon; but instead of the grand tragedies of the Roman Empire, civil dramas and Henriades were represented, tinctured with the necessary dose of liberalism. The ultras and liberals contended warmly, and separated into subdivisions, which, in case of necessity, could be combined by an adroit manœuvre; and thus besieged the ministers in the entrenchments of power. This diverted the attention of the Germans, who perceived that the ultras were merely the men of the middle ages, who, in the north, preach up punishment, servitude, and secret measures. As to the liberals, they appeared to be contending in the same cause as themselves. They soon resumed their relish for French wine, at first sipping it sparingly, and apparently for the sake of forgetting domestic discord; then by degrees, yielding to intoxication, they became turbulent, and took part in the combat, at first by encouraging the favorite party, and next by contending one with another in their cause. Though the emancipation of Germany is in some measure connected with the French liberals, and though the Germans owe their tranquillity to the existence of the ultras, yet they took part against the latter, and ardently wished for their total annihilation.

The French resolved not to neglect this favorable disposition in the Germans, and tribunes were opened in the Times, and even in the German papers, from whence the fox preached to the poor geese, assuring them of his gratitude, and promising to advocate their interests whenever his own affairs should be settled.

The courts of Western Germany were better pleased with this

French liberality, which reconciled itself to Napoleon, than with that at first preached in Germany, which contended for the union of the country; and they willingly admitted, under the French stamp, that liberalism which, as national produce, was declared contraband. It was ushered into the country with the sound of flutes and tabors. No sooner was the well-known voice heard among the mountains and valleys of the Rhenish Confederation, than those who had fled for shelter when the tempest of the Lord burst on the age, rushed from their holes and joyfully followed it. The liberals of this species, who profess liberality as a sort of fashion, who serve both God and Belial, saw the opportunity and embraced it. Others, who had preserved the ideas of their youth throughout the Napoleon era, were somewhat disconcerted by the new epoch, and immediately resumed their old confidence. Besides, all thinking men, together with the mass of the people in several countries, were no way inclined to change the good institutions they had gained by the revolution, for those which were attempted to be imposed on them.

Thus it happened that the second division of the liberal party gained ground in proportion as the historical party was reduced to silence by the follies and pretensions in which it was involved. Many men, attached to practical things, joined the party because they despaired of seeing any good arise out of the chaos of old Germany. Paris is thus once more about to become the capital of the liberal world, as it was the capital of servility: it has become the school of the liberals; and even the reformers of Smithfield turn their eyes towards Paris, which will also furnish Germanic institutions moulded according to French sentiment and character.

We must also have courts and chambers of peers, like a fortified camp in the enemy's territory. We also must endure those chambers of commons supported merely by the partiers of the capital and the journals, which represent liberty amidst general despotism; which, wavering between sedition and slavery, eternally play the tedious farce of restraining the power of ministers, who balanced themselves with all the art of rope-dancers.

There is reason to hope that in France good institutions will also be consolidated in time; powerful elements of public opinion have been developed in that country; a school has been established, in which learned and experienced statesmen are formed, whilst ours has produced only a few writers without talent or energy. However it has hitherto effected but little for the happiness of the people, whilst our countries abounds

which may prove far more fruitful, if, without absurdly despising what is foreign, we take care to foster what is native.

This diversity of views, joined to the discontent and irritation of the age, the clashing of interests and universal distrust, has produced the terrible perplexity of ideas which marks the present period; in which, as at the building of the Tower of Babel, the workman who is asked for mortar brings stones, and wood instead of tiles, and amidst the general confusion of languages, only the word *sack* remained common to all.

Davoust, replied to some deputies:—"You have no Germany; I know only of Prussia, Bavaria, Hanover, &c.;" and even now the idea of the unity of the country is regarded as absurd or unreasonable. The doctrine of the day is, that that German belongs to all the States. The drudge of every one; he dares not cherish the recollection of his country; he is allowed to adopt the most frivolous foreign fashions; but when he wishes to resume his old national costume, he is reproached with absurd nationality. When artists exhibit the productions of the German school, they are insulted as revolutionists; and the court to which they present the collections, rejects them in the face of their own and foreign countries.

The cross raised in the field of Leipsick has been torn down, and this action has found apologists. At every boundary a new patriotism commences, which will be guarded by reverse officers against the invasion of general patriotism. Napoleon has been chained to a rock, lest the blind Samson should escape, and seizing the pillars of the fragile European edifice, bury beneath the ruins, the Caphthorim and the Philistine, together with himself;—but we still preserve his institutions and venerate his ideas. France cultivates the freedom which we gave her, while, on the other hand, we have brought her old slavery on ourselves.

All that transpired in what is termed the reign of enthusiasm, must be regarded like those youthful errors which we blush to recollect. As to those who would still live according to those ideas, and who cannot mould themselves to the change of things, they are chained up like madmen, until it be ascertained whether they can acquire that pliability which enables others to wear a serene countenance when surrounded by shame. These still stand at the head of affairs, and after having served the enemy, have the insolence to excuse themselves by alluding to the *grand era*.

By so complete and speedy a transformation, the whole system of popular ideas in Germany has been overthrown. The

the one every thing historical appears superstitious, to the other all defence of rights is criminal; opinions grow up and clash together, no principle remains established; nothing connects what was valued yesterday with what will be valued to-morrow; memory becoming daily shorter, buries the past in oblivion. According to some, all the German States possess well-disposed princes; but a perfidious race of nobility stand between them and the people, who think only of establishing their old feudal rights. According to others, there has risen up a species of Jacobins, who are secretly preparing a revolution, and, after annihilating all nobility, will proclaim the indivisible republic. The different classes of the same body do not agree; they are ranged against each other like enemies ready to engage. Each constructs a world and a constitution after his own way; but no central axis unites the various pretensions. No one will consent to a sacrifice; and as all social organisation is founded on giving for receiving, and receiving for giving, none can be established here because all are ready to receive, but none to give. Amidst the general confusion the governments know not how to proceed; their terrestrial compass misleads them, policy is their rule, and tradition abandons them. The age regards their organisation as pedantic; and in them all power, all free-will is Jacobinism.

This discord has particularly exercised its influence on the minds of youth. If a new spirit is to spring from the destruction of the past, to give new form and organisation to the world, it must necessarily arise in the new generation. The new generation will enter into history with ardor and courage; without despising the experience of the past, they may renounce the errors and follies of the age which preceded them; and it is above all by actively participating in public affairs, that they must prepare for the work they are destined to terminate.

The rising generation have honorably discharged this duty when liberty was to be defended by the sword. On their return from the field of battle, their minds have been strengthened and developed in the Universities, and it is only by guiding this natural developement that the mature race can prove its wisdom. If you have conjured up good spirits, what have you to fear? If you have called up bad ones, you need pay for your fault only by your terrors; for if you are pure, not even Satan himself can harm you.

Instead of exhibiting to the students the appearance of tranquil confidence, the governments betrayed their alarm, and thus a multitude of evils ensued. When the anniversary of the Reformation was celebrated, the reforming spirit, irritated that

the reformation of the Church should be approved, while that of the State was denied, transported itself to the Wartburgh, where some hundreds of young men had assembled to celebrate the festival. It is well known that in the evening, after the example of the reformer, they burnt the emblems of the old slavery, together with a number of books, the majority of which had long been condemned.

This might have excited salutary reflection, since similar relations had, after a lapse of three centuries, produced the same result. The errors then committed by the Church might have furnished a useful lesson; but to act blindly and furiously against the symptoms of the hidden disease, could be of no avail. Instead of tranquilly viewing the thing as it ought to have been viewed, the governments, led away by the first impression, commenced enquiries and dispatched embassies; thus giving the young men a vast idea of their importance, and betraying the secret of their own weakness.

The students observing the state into which division had thrown the country, resolved at least to banish this division from the Universities, and to substitute a BURSCHENSCHAFT or general society of youth, for the LANDSMANNSCHAFTEN or societies according to the local origin of their members. If the governments wished to interfere in this, they might, through men possessing the confidence of the students, have contrived that the local societies should be received into the general society, so that the latter might acquire strength by the alliance, and the parties, in their turn, obtain tranquillity. But the governments were startled at any thing resembling the unity of the country. The moral dignity and tranquillity of the general society was more dreaded than the opposite spirit which pervaded the local societies, and consequently the latter were favored. The Universities then became the theatre of confusion. The students who defended the principle of unity, irritated by the persecution and hostility they experienced, and the distrust that watched all their movements, thought themselves called to establish a better order of things, and they acquired that spirit, which, showing itself in public events, alarmed the government beyond bounds.

The diversity of opinions among the liberals was equally diffused among the students, who speedily joined a party. To youth history has but a short existence, and their own commences only with their life. That sentiment which sees the future in the past, is not yet developed in them. Conscious of powers so free and active, youth is not inclined to consider the past attentively; thus following the impulse of nature, they

join the party which wishes to reform the world with its own hand, and which, like the industrious spider, is at once the spinning machine and the spinner. But the youth of Germany also wished to represent the Germanic character, and the chosen instrument for regaining all that was good in past ages. Belonging, in this point of view to the historical party, it was in contradiction with itself, a contradiction which it hoped to avoid by going a step beyond the Church reformation, for they went back to that period in the history of Germany, which, in the existence of a nation, may be termed its infancy.

They adopted the opinion that history merits our veneration, but it was preceded by a state of nature which also belongs to history; now when all the bonds of society are broken, when the families of the old dynasties are decayed, such a state of things has returned externally, and the establishment of a new organisation, founded on a new nature, becomes the subject of consideration. On the same principle the social compact returns under Germanic forms. As formerly our young people meditated the philosophic construction of the universe, they now devote all their powers of construction to social relations; and after going through the various dimensions of the constitution, ideas naturally terminate in a republican constitution.

Events tended to excite zeal and passion. Madame Krudener, who, though eccentric, is sincere and benevolent, was calumniated by the priests, pursued by the police, and sent back to Russia, because she had prayed with the people, foretold the day of judgment, and fed the hungry. The Emperor Alexander sent Kotzebue to Germany, and certainly he who had commenced his life with a capital of infamy which few acquire, even at an advanced age, he who had become the idol of the dregs of the people, and the horror of all worthy men, was the fittest person for such an appointment. Whilst censors and tribunals stifled all that could be uttered for the welfare of Germany, he insulted with impunity all that the people held dear. The Emperor, probably, sent him with innocent motives, to observe the state of public feeling in Germany; but he made the most unfortunate choice, and suspicion extended from the man to the object of his mission.

This distrust was confirmed, when Kotzebue, abusing his commission, basely calumniated the most respectable men, and incredible as it may appear, punishment did not visit the calumniator but the calumniated, because they brought the work of darkness to light. Public irritation was increased on the appearance of Stourdza's work, which spoke of Germany and its institutions, in a way which no people could endure from a

foreigner. The evident influence of this publication over men in power; the indignation experienced on seeing Russia so shamefully abuse our weakness, by attacking our sentiments and internal existence, necessarily made a powerful impression on the youth of Germany. Among the many young men whose thoughts were directed towards public affairs, it was natural to expect that one spark of the fire which had been so imprudently kindled, should fall into the region of the gloomy powers which the human breast encloses. Sandt was the first who broke the dyke: and he who had long sought to undermine it, was the first victim. The young man took upon himself at once to justify the act and to execute it. He gave his own blood in expiation to the enraged Nemesis, according to the old maxim that blood will have blood.

This event came like a thunderbolt on the people. Since the awakening of the nation, nothing had excited such a sensation. What had been unintelligible was now defined; a sanguinary event once more became the rallying point of thought. Public opinion condemned the action, while it approved the motives. That sentiment which tells us that eternal justice watches over human affairs, was revived; a brilliant light was thrown over the situation of the country; an increased participation in political events took place: such were the results of the general agitation caused by this event. Public opinion suddenly broke from its apprenticeship, and a serious feeling pervaded the age which had hitherto sported with events.

To this blow, which profoundly agitated the public mind, succeeded another, which was the more terrible in immediately following the first. A young man of mild but irritable and reserved character, who viewed with horror the Machiavellian system that oppressed his country, resolved by an act of violence to break her chains. Regarding President Ibel as the author of that system, he chose him for his victim. But to assume tyrannic power in a country which has legal means of resistance, is not a crime that merits death. A people cannot have liberty until they deserve it. This was the second error of this young man besides that which was common to Sandt, and he paid for them with his life. The angel of death has however appeared to the intended victim, has looked grimly at him, and it is he hoped that the look will not be misunderstood.

Thus then that destiny which has so long permitted these men to play their parts on the stage of life, has appeared under such an awful aspect among them, that their feeble minds are seized with terror, and they shudder before the mysterious

power. Dreadfully decisive is indeed the moment when the first blood is shed in civil disorders. It gives birth to a future big with events. At the same time it is a mark of the favor of heaven to Germany that this act was not the offspring of more naked crime. It was committed by hands otherwise pure, and dictated by an error of the heart. The choice between light and darkness is still open to us.

Few who have spoken or written on this event have been struck with these reflections. Every one will agree with Professor Staffans, that the violence was not a Christian act; but God sometimes awakens a heathen virtue to punish the Christian hypocrisy of those, who with levity approve of unjust wars, in which hundreds of thousands perish, and never think of the Gospel until the flames which they viewed with satisfaction at a distance, at last set fire to their own dwelling!

The perpetrator has been reproached with a criminal pride for putting himself in the place of the justice of heaven. This view is just with respect to one who would imitate the deed; but may not be Christian when applied to him who committed it. What would be said were he to defend himself in these terms:

"You speak of pride, take care that you are not yourself full of Christian pride, since you say, 'O God, I thank you that I am not like him!' Do you think I decided lightly on this action? The passions endeavoring to break loose, press around the entrance guarded by religion and morals. When in evil times, or by a fatal error, the seal is broken and the gates of the abyss are open, every terror issues forth to seize upon the mind with irresistible force. That spirit which the Roman saw in Asia and at Philippi, has appeared to me; but did not triumph over me without a long struggle. But who has opened the gates and unchained the passions? Who has poisoned all the sources of public happiness with hatred and suspicion? When the Romans took Edessa, the soldiers, in quest of treasure, explored the very foundations of the Temple. They tore up the stone which, consecrated by the ancient Magi with sacred charms, closed the cavern in which, as the legend tells us, they had sealed up the plagues. The dreadful disorder is swing through the aperture spread over the whole earth, and destroyed one third of the human race. Who first broke the power of Christianity by making it cover every base passion? Many profess the morality of the Gospel in their words, but contradict it in their actions. The courts are filled with men who call for justice, but no judge is to be found. The sword has therefore moved of itself from the wall and struck a guilty

[illegible] that with mercy you may be judged. Do what is required by divine and human laws, and the abyss will close of itself, and I shall be the first victim it will swallow up."

Events of so extraordinary a nature must necessarily attract the most serious attention of governments. But placed at the helm, the pilot ought to be calm, in order to watch the motion of the ship, and steer clear of quicksands. If he would overcome real perils he must not tremble at imaginary dangers. The more a government is from its nature the first moving principle, the less will it be distracted by any vibrations which may take place; holding the spring which acts on all the elements of society, they can the more easily direct their movements.

There is an indestructible conservative principle in social institutions. The same instinct by which they were formed maintains them, and no government need resort to unworthy means of discovering plots; for if a government be only in a certain degree meritorious, all good men will be in a secret understanding with it; and then no scheme which requires extensive co-operation can be concealed. Vigilance ought not to be neglected. It is right to lie in wait for the overt acts of the evil disposed, and to punish them if they cannot be legally prevented. In this respect the conduct of the English government is exemplary. The German governments scarcely know first principles; of this ignorance the late events in Prussia afford fresh proofs.

Within these few years it appears that the malady of seeing hobgoblins has, through some effect of the climate, or a mental influenza, become endemical in Berlin. The government, long disquieted by these visionaries, paid little attention to them after the Wartburgh affair; but, confounded by more recent events, in order to obtain information, appointed a commission with unlimited powers. This commission, instead of proceeding by analysis, instead of patiently collecting facts, and ascending if possible by induction to the first cause of the evil, naturally preferred the synthetic method to a process so tedious. Every thing necessary to be investigated was held to be an incontrovertible fact, or an axiom of common sense; and then the commission, with a *salto mortale*, dashed headlong into real inquisitorial researches.

Immediately was proclaimed to astonished Europe, the existence of a great treasonable conspiracy, said to be the centre of all the commotions of the age, as radii of which, two assassinations had already appeared. Police officers were [illegible]

over all Germany to obtain proofs of what had previously been laid down as a certainty. But experience proved refractory, and all that has hitherto been made known is far from being sufficient to fill up the yawning gulf that remains to be closed.

The discovery of a constitution discussed by some students, in doing which there could be no crime if they did not attempt to establish it by violence;—a collection of Jacobinical sentences and metaphors, for which Göthe and Novalis are chiefly answerable, and which might be increased twenty-fold by extracts from the tragic poets of any country;—the discovery of some daggers, one of which, belonging to the time of the Germanic costume, bore the inscription, *Zierde des Bürgers* (the Citizens' ornament);—the seizure of some fragments of a correspondence of overheated young men, obtained by violating the secrecy of the post-office;—such is nearly the whole result of the measures of violence which have been resorted to. Incapable of comprehending how actions of the kind which the young men had committed, could spring from uncommunicated resolutions, the governments regarded them as originating in secret societies.

To discover the heads of these associations, measures were taken injurious to men respected by the whole nation. Commissioners were sent to examine their papers, who, after trampling on all legal forms, violated domestic security, seized even the most private family documents; so that the cutting up of the living body was all that remained to be done to reach the mind in its last recesses. Youth, in whose veins the blood riots, were regarded as cold-blooded criminals. Nothing being found, it was said by way of apology, that it was not meant persons should be considered suspected because suspected things were sought for in their houses.

The Spanish Inquisition has often been blamed for never informing their victims of the charge against them. How then should that proceeding be characterised, which sets out with the hypothesis of a crime, and afterwards seeks for the criminal, capriciously accusing every man of honor of having committed it;—a proceeding, according to which the Prince, judging from what he proclaimed and promised in 1813 and 1814, might be condemned as the chief demagogue of his country? But perhaps all good men in Prussia will yet unite to deliver a Government, whose intentions deserve a better fate, from this delusion, and to employ every legal means of counteracting the fanaticism of those alarmists who assert that there are five degrees in the conspiracy; namely, the Tournament-men, the Students, the Dagger-bearers, the Leaders, and the Unknown.

They are themselves the unknown whom they seek, and they resemble the man who set fire to his house to destroy the mice; for their distrust does not cease when nothing is discovered; they only believe that the real criminal has escaped. What, however, has most of all surprised the attentive part of Germany in this affair, is the recollection, that when Reform is in question, years pass away without any common co-operation being obtained; whereas it required only a few days to organise, from Holstein to Friburgh, a general hunt after conspirators.

These proceedings could not fail to have an unfavorable influence on the people; and the ministerial conferences at Carlsbad ought to have discovered some means of extricating the country from its embarrassing situation. Circumstances now imperiously required that diplomatists, who hitherto had acted only negatively, should adopt positive measures, for which, however, no one was prepared. Austria appeared to promote with particular zeal this assembly. She believed her tranquillity secured when she withdrew from the unsettled empire; but a union become historic, cannot be so advantageously abandoned as to leave no result but gain. The cabinet of Vienna having lost all popularity by a fruitless experiment, began now to feel real disquietude. History constantly sits in judgment. Now that the French are punished for their political errors, she seeks out other iniquities, which are in their turn expiated with trouble and anguish.

As the whole of the existing system was founded on the belief that nothing would happen, the embarrassment was great when not only something did occur, but it was evident something more was still to be expected. A machine had been invented to extinguish hope, merely by its immobility. It had long answered the purpose; but now, when most needed, fear seized the workmen, and it became quite unserviceable. Measures were taken to prevent the termination of the confusion which prevailed. Every reasonable proposition was done away by an unreasonable one, every force destroyed by a counterveiling inertness, and every movement stopped by its antagonist. Thus all efforts could not but be lost in useless deliberations. Were it wished, with an apparent attachment to the historical party, to explain the 13th article of the federal act by the restoration of the old corporation States, a contradiction must take place with what has already been done with respect to constitutions. Ought it to be proposed to form an executive force for the Diet? But the heart of the nation is now turned from that institution, which has long been considered only provisional. For the phantom of an Emperor without a Representative Chamber, no one breathes a wish.

What can the diplomatic art effect against the power of nature? A corner striking the ground with his horn may make a spring gush up; and when it turns to a river, no human force can stop the current. The Chambers will establish their right of deliberating on the resolutions of the Diets; by their united efforts they will constitute the second chamber of the empire; and when once they act in concert, they will feel the necessity of fortifying the general executive power, along with the general parliament of Germany. This is the natural course of things, and the course of history. The nation is bent on unity; and its will is like the growth of the trees, and the blowing of the winds, to which no human effort can oppose a barrier.

The diplomatic art, therefore, can in no way promote the welfare of Germany. The lightning of heaven has struck the German oak, its crown has lost its verdure, but its trunk is still vigorous, and will send forth new branches. The history of Germany for the last three centuries, presents nothing but sterility and languor; a spirit of destruction prevails in the edifice of the State; the pillars crack, and the ivy that covers the stones scarcely serves to hold them together. But the moss is still secretly connected with the rock, in which it is cut; and, being united with it in that common life of nature which nothing can destroy, retains its primitive vigor after the lapse of a thousand years, and is capable of receiving new forms.

Formerly, when States attained this point of decay, Providence applied the remedy of emigration; multitudes of barbarians overran the wasted nation; suspended life was refreshed with new blood, and the withered branches re-flourished. This remedy has ceased to exist, since civilisation has destroyed the ancient forests, and the plough has spread cultivation over the land. But when a State decays, the public opinion which had animated it becomes more and more distinct from the matter; it then becomes destructive instead of preservative, and in its efforts to construct a new edifice, dissolves the bonds of the old organisation, to make room for the new one.

In the intermediate age between an old and a new order, ideas fleet through society with the rapidity of lightning. It is hard to say whether thoughts be diffused by respiration, by language, or by some secret sympathy. All then adopt one opinion, and the flame spreads in proportion as efforts are made to extinguish it. No madness can be more unpardonable than the wish to impede this great work of creation, and to wage war against public opinion, a war which was never yet successful. The work must be left to perfect itself. Then the re-organisation and renewal of ideas will be effected by a new

metamorphosis. But when opinion is rashly impeded or turned from its object, the terrible war of the passions breaks out, every thing tends to a total overthrow, and on all sides resounds the cry of,—May the sword of public opinion fall on the heads of those who would resist it!

Two ways are open for passing the point to which the progress of the age has brought us. We may either suffer ideas to take root among us, or we may allow ourselves to be overcome by them, at the risk of every thing. It cannot be denied that the progress of things inclines us to the latter course. The wizard cauldron, in which violence would re-cook society, is at work, with the infusion of every kind of venom; and it appears that the fire on which it seethes, will be industriously kept up, until the midnight hour of Revolution strike.

The present age exhibits all those various causes, one of which would formerly have been deemed sufficient to have produced revolutions: excessive taxation, the arbitrary alteration of the law, the violation of liberty, and the abuse of standing armies; such have been the means employed to bring about the present singular unanimity of discontent. Public order no longer rests on that instinctive obedience which is too firmly rooted in the human heart. This last wreck of the safety of governments must also be committed to the waves; for continual complaints, that never obtain justice, have paved the way for illegal conduct, and disposed the people to execute justice by their own hands.

The idea of the possibility of a revolution now pervades all minds; and in the one party it excites a mortal terror, whilst the other treats it with culpable levity. A revolution is a catastrophe of such terrible importance in history, that none but senseless or desperate men can wish for it. A total overthrow of social order can only be the result of the passions; and as in fits of fever nature employs delirium, lest the vital powers should be weakened by useless fatigue, so a nation, in such paroxysms, must be seized with madness, should the disease come to a strong crisis. Thus at the commencement the thing appears easy; an unusual sentiment of life, and a newly-created enthusiasm, appear to promise the most favorable results. The greatest number of well-disposed men are to be found in the party that first rises up. But the axis which connected all the elements of the social union being broken, the dominion of the party attached to order cannot long prevail, and as intellectual power loses its influence, animal power gains ground, and seizes the reins of affairs. Thus each party exceeds that which preceded it in every species of extravagance. As was the case in

England, the Protesters and Resolvers will be succeeded by the Millenians, who acknowledge no government; next will come the Levellers, who require equal division of property; and finally the Antinomians, who regard all ethical duties as tyrannical. Thus in France, the Girondists were succeeded by the Jacobins, and in the Low Countries the Iconoclastes followed the Geuses. This progression continues through every degree of human turpitude, until all that once existed be overthrown; all that was lofty, levelled; and all property transferred to new possessors.

When the nation is thus exhausted by anarchical phrenzy, a return takes place, by inevitable re-action, to individual authority. This power gradually advances to the most revolting despotism, commits a succession of crimes of an opposite nature to those of the preceding period, and finally, when the whole circle is run through, an internal or external catastrophe brings the two extremes to a just medium. Such has been the progress of the revolutions of England, of France, and of every other revolution. A German revolution will not be an exception, for the war of the peasantry has already proved that if our blood be less lively, it is not the less easy to urge the people to any extremity. In Germany a new idea is added to those which effected the change in France;—the idea of unity, which will render the ferment stronger than ever it has been elsewhere. A German revolution must terminate with the expulsion of all the reigning families, the overthrow of all ecclesiastical establishments, the extirpation of the nobles, and the introduction of a republican constitution. And when Germany shall find another and more fortunate Wallenstein, as every revolutionized nation necessarily becomes a conquering nation, she will advance from her boundaries, and overthrow, even to the confines of Asia, the fragile system of the European state edifice. But she must purchase this revolution with the blood of millions of her people, the destruction of one half of the rising generation; and in the end, she will gain nothing but what she might have obtained by a far cheaper sacrifice.

Such a prospect can offer no attractions to the governments, or to the people, or even to the foreigner who might hope to profit by our disasters. All parties, therefore, should agree to pursue the tranquil course. While reason exerts her sway, reform may be effected without shock or tumult; but when we once

[illegible] Heretic term of reproach, applied by the Roman Catholics in the Netherlands to Protestants. It is derived from the French Gueux, Beggar. TRANSLATOR.

reach the brink of the abyss, exhortation and counsel are as vain as to attempt by words to arrest the ravages of an earthquake or a storm. The more the approaching tempest lowers, the greater the vertigo of governments, the more it behoves parties to agree, at least on this point, that by united efforts the uncertain and violent movement may be rendered gentle and regular, and that the inundation may be prevented by guarding against the breaking of the dykes.

Now of the parties in opposition, the one looks to historical consolidation, the other to spontaneous creations, for supplying deficiencies: a commencement must take place with the removal of this dispute; and as to the views of these parties, it may be observed, that the different ages of natural existence in succession, are as necessarily and inseparably the property of the people, as the different contemporaneous institutions and personalities, since these form the immanent state, and those the permanent: and as with regard to the latter, rights and duties are reciprocal, so in respect to the former, any rights an after-age may inherit are accompanied by previous established duties. Besides, if each age should happen to have the same proportion of formative powers to bestow, since an early age can only transfer to a later what itself possesses, the formations must be considered with regard to the powers employed; and if the latter times claim more enlarged and practical principles, the more early may be allowed the preference in every thing connected with the lofty and the ideal.

If all things are to be judged of by their results, history sufficiently proves the blessings diffused by the middle age, particularly in Germany. Out of the onyx rock on which the Church was founded, and round its cathedral—the Gothic, Byzantine, Imperial fortress, another Mons Salutis, was cut and built. Our institutions were so judiciously regulated, that they all united harmoniously in one powerful and flourishing state-body. A legislation was established similar to which no other nation had formed an idea. Germany was distinguished for genius and morality, and had attained a degree of advancement in arts and literature, exceeded by no previous age. Finally, throughout her whole conduct and existence, she exhibited an animation and activity, of which we can scarcely form a notion. All this is shown by history, and the wrecks of her greatness that still remain sufficiently attest its truth.

Our age would be placed in a perplexing situation, should it in one of those fits of arrogance with which it is often seized, attempt to inquire into the foundation of this past existence. Should Fame say:—Show what you have accomplished; tell

what you have speculated, and what you have effected, that I may know what honor is due to you, and grant you the merited prize:—Should the age then expose its poverty, and display the theatrical wardrobe of its virtues to the sharp and penetrating eye of the judge, she would doubtless pronounce the following sentence:

"You have eloquently boasted of your achievements and glory; but I have examined your merit, and find that all is founded on vanity and nothingness. In no respect do you possess a truly creative power; the source of every formative impulse is obstructed: you have forsworn that inward tranquillity which tends to preservation. Your whole existence is confusion, and your strength consists only in subversion.

"I built a Church for you, whose foundation was washed by the waters of the earth, while its spires reached the clouds. But you have thrown a fire-brand into it, under pretence of cleansing it of all that was earthly and combustible, and now only the naked walls and pillars remain.

"Germany I encircled with a mural crown like a strong coat of mail. But you have burst open the gates, the towns and walls are levelled with the dust; so that the empire has become an open village, guarded only by Custom-houses. The gay broidered imperial mantle, which covered all, has been torn by the feudal tenants, who, decked out in the shreds, resemble Negro Princes strutting about in the foreign dresses for which they barter the liberties of their subjects.

"With the savings of ages I endowed both Church and State, so that they might become an organ and an earthly inheritance! I raised to independence the military, the lower classes, and even the trade corporations; but all has been destroyed in a few years. All the ideas of your real basis being dissipated, now, spectre-like, wander as orphan shadows in society, driven hither and there by the wind of opinion. And with all this, there is not, throughout the whole extent of the empire, a single monument of your founding, that will go down to posterity.

"Your rash spirit of inquisitiveness has carried you into the empire of Faith; and by measuring heavenly things by a human standard, you have confounded them with what is earthly. The pure, unvariegated ray of truth has been changed by many colors, and what was in its nature united, has been split into irreconcilable parts.

"By the allurements of the senses, you have perverted all philosophy; so that forgetting its heavenly origin, even philosophy has occasionally sent unsubstantial schemes into the world of fancy—like Gnomes, Salamanders, Sylphs, and other imaginary beings which have mortal lives without immortal

souls; and even your intellectual occupations have become merely a coarse sensual enjoyment.

"The arts have been turned aside from their sacred destination; without system, depth, or meaning, are become the children of this world, devoid of reflection, and suited to empty frivolous impulses; and the intricate extravagances into which they plunge, are, like those in music, merely the resoundings of folly.

"Your diplomacy is the doctrine and practice of absolute nothingness, joined to the readiness of perverting historical events; your art of government is merely vain bookish learning, which, entirely foreign to nature, exists merely in artificial abstractions; pursuing the phantoms of empty theories, and only occasionally quitting the world of imagination, to grasp at any thing solid.

"Your policy has hitherto consisted merely in destroying. The great discoveries you boast of having made in the affairs of life, appear to me no great matter. Your liberty and equality is nothing but the elective affinities of the elements of society, with which all constitutions have had their commencement. The anxious separation of powers;—the formation of two chambers, in which national freedom is to take up its abode;—all these things seem to me a small indemnification for the evils preparing for you. I regard your liberty as an emancipated slave, who still feels the wounds of his chains;—your power as a weak and feeble despotism wavering between arbitrary caprice and liberality. The history of your public life is only a disgusting struggle between timid self-will and frightful licentiousness, a fermenting movement without result, a dishonorable system of concealment and deception, a disposition to contention without struggle or dignity. All your conduct is built on phrases; a silent concurrence in reciprocal falsehood and deceit, which descends to the lowest affairs of life, is praised as worldly prudence. In corrupting and debasing, however, no other age can with you dispute the palm."

Thus might the reprover easily arraign and put to shame that conceit, which the age in its folly refuses to recognise, and its presumption would be justly punished. What indignation has here with so much sincerity expressed, ought not however to be left without reply; and with a well-understood self-knowledge, and a satisfactory view of the world, it might not be difficult for the harshly-accused to offer a defence of this sort:

"It is true you built a strong edifice, but even the mountains which nature has erected on the firm foundations of the

earth are thrown down and crumbled into ruins, when the internal sustaining life is departed. Besides you must also have founded your new work on the flourishing past of an earlier antiquity. Is it my crime that there is a time for every thing on earth, and that States, when they have run through their phœnix period must renew their existence amidst devouring flames? The dome of your church did indeed ascend to heaven; the stones of which it was formed were not however dead masses, but rather free self-existing natures, which believing resigned their wills to the idea. Can I resist, if they resume their pledged freedom, and the elements hasten to unite under new forms? You consolidated Germany, but gunpowder has blown up the Cyclopean walls, and the invention of the monk was only the symbol of that awful intellectual power which about the same time began to unfold itself.

Your constitution was founded on the subsisting peaceful possession; but lo! the flood of gold from a remote quarter of the globe has washed it away. When the life from above is departed, that which is yet growing green in the organic structure must, according to the eternal laws of nature, either be absorbed by death, or thrown off into the mass; as abandoned by the indwelling spirit, it becomes withered. Thus the idea of the Emperor was gone before his external representation had vanished. In the same manner as the Church became first disembodied in her spiritual organs, so is the whole feudal system dead in spirit, for the possessors being gone, the property has fairly fallen to the survivors. It has been chiefly taken possession of by the third estate. The spirits are free—God has set them free—can I then prevent them from using their rights, and abandoning the mother's safe and warm nest to spread themselves abroad? That only faith walks in pure light, and reason, a fallen angel, wallows in darkness, is a heresy. All knowledge has become more comprehensive, more intelligible. Since the third estate has flourished, it has, according to its custom, aimed chiefly at the practical, the substantial, and the useful; and science is made subservient to wants, the arts to relaxation. Freedom is as yet young, and knows not how to conduct itself; arbitrary power, grey and feeble with age, knows not how to choose between the *what* and *not to be*.

This situation of things then exhibits only a quieting and disputing, a forming and dissolving, a creating and destroying; the fire must ever be watched to see that the seething goes quickly on. The attraction and impulse of the internal focus being relaxed, old chaos has returned to society, and the old

cutator is followed by a destroyer. But life can only come from death. The formative power of the world, when the elements were first mixed in the cup of Hermes, and the influences, heaving, fermenting, hissing, and thundering, came together, made at first, before the just proportion of the structure was discovered, many discordant formations, which the mountains still enclose. Require not, therefore, of me, that I should even in a first sketch, form a permanent structure; you can only interrogate the future respecting my work."

If the reproach be calculated to check overweening pride, this Defence may preserve us from an unnecessary dejection, and it will then be easy to find the just mean in which the past, which also had once been present, maintains its rights, and the present, which in its turn must as a past, fall into the rear of the coming time. Since history is composed of ages, he who denies one, must reject all that has gone before. What dismembers itself, is at all times injurious. As a general principle, whatever operates as it were instinctively, and with an efficacious effect on the whole, is historical, and as such ought to be honored and esteemed; and whoever, guided by a false theory, excludes it, may be certain that he is proceeding in an erroneous course.

The first relation however in which the opposition of times and views comes practically forward, and puts forth its interposition, is that of the State with the Church. According to the idea of antiquity the Church represents, in the great community of believers, the ideal side, while the European Republic in the imperial dignity, and particularly in the State, represents the real side. But the relation between the two spheres is such, that the ideal is free in its nature, self-powerful, reposing on itself, self-transparent, and enlightened by ideas which, like stars in the conflux of their light, intersect each other, and are bounded and encircled by that serpent, which ever returns on itself. The real, however, though embraced by the former, as the earth by the celestial sphere, is in its turn shut up in itself, and moves in an eternal circle, according to fixed laws of a natural necessity, and in so far as it is subject to necessity, freedom is removed from the former, and a peculiar law is obligatory. The one is therefore the symbol of the other, and the ideal takes precedence of the real as first in dignity; but in so far on the side of nature as the idea has actually embodied itself, it has stepped out of the jurisdiction of the ideal, and must resign itself to the natural laws of the real sphere.

Thus the ethic has the preference over the pathic, and

does not acknowledge the jurisdiction of passion, or the dark side in Man; and at the same time assumes no direct rule in the dominion of the passions. All it does is to act upon them by the laws of beauty, so as to regulate as far as possible, the eruptions of natural impulses; the Church is therefore among the ruling powers, but yet not the exclusively ruling; on the contrary, the state, governed by many terrestrial relations, possesses the sole ruling power, which the Church may sanctify, but cannot usurp.

But when the dark spirit rises from the depth to attack and obscure the stars of the sky, then the attacked justly vindicate their dignity, and, hurl the aggressor down again to his abyss. This happened in the time of Henry the Fourth, when the eternal order of things was revolted against; then was sent that great man, too much cavilled at in modern times, who powerfully saved the liberty of the Church. But during this hard contest, the other extreme was produced, and the Church, abusing her victory, now assumed, in the persons of some of the following Popes, a worldly power to which she had no right; and this deviation from the central path necessarily produced another reaction which developed itself in the reformation.

A political sect has since arisen, which maintains that the Church forming part of the state must necessarily be subjected to it. Such a doctrine, which raises necessity above liberty, which makes heavenly things subservient to the earthly, from which christianity had freed them in her contest with old heathenism, which enslaves mind in the fetters of matter, although quite in unison with the spirit of the age, is yet in itself so humbling and revolting, that this spirit, which has now reached its extreme, will certainly find here its climax, and give way to higher and more dignified views. A Church going to court with the German sovereignties, divided like the rest of the commonwealth into so many factions, that would degrade herself by exposing her power over the conscience, to the jests and frivolities of courtiers; giving up her doctrines, to be blown to and fro by the wind of theories, would soon become the most contemptible of institutions, and a Diet would not be able to keep together, even in appearance, her frail members.

As liberty formerly protected the ambition of Popes, she must now stand by the oppressed Church, and defend her freedom and independence against the state, and assist in emancipating spiritual things from the trammels in which they are kept by a usurped power. Therefore there can be no

question, for the Catholic Church in particular, respecting a *subordination*, but only as to a *co-ordination* with a temporal power, and the Church must rise again to that equal balance of right and privileges, when, in the reciprocal relations of both, the principle of christian morality, Do unto others as you would that others should do unto you, must be obligatory.

But to attain this point, the Church must concentrate herself more strongly than ever upon her unity, and to firmly maintain the closed phalanx of her hierarchy, by which arbitrary power has more than once been repulsed. When this is done, and her moderate endowments secured, then will be the time to oppose every kind of arbitrary authority, which she might attempt to display; for Catholic Germany is as little inclined to ecclesiastical as to political despotism.

For the Protestant Church, however, which, without abolishing itself, cannot take a retrograde course, nothing will remain but to complete the reformation in discipline, and to carry it so far that all power will be vested in the community, as Somer in his work "On the Church in the Present Age," has ably shown. Her relations are to be established on the principle of generality, as those of the Catholic Church on that of unity. But the focus of political power, though also of a collective nature, by no means corresponds with that of the ecclesiastical. All other diverging directions proceeding from preconceived opinions, partial views, or confused notions, being of no value, and reducing each other by their friction, are not adopted by history, which only acknowledges what compares the great stream of existing movement.

These reflections naturally lead us to the second great point of discussion in the present age, namely, the difficulty of uniting the interest of the *governors* and the *governed*. Antiquity, guided in all its notions by a just natural instinct, had almost unconsciously given to society the form of organic life, and, passing from the particular to the general, still reproduced the type of individual organisation. But there are two sorts of life, the *automatous* and the *discretionary*. The former, possessed of all the faculties of inferior life, contains its laws within itself, having its own in-dwelling natural soul, which sends the necessary instincts to each independent organ, and has its individual and independent ideas, but which are subject to the general laws of nature as in a dream. The other, the motions of which are discretionary, is notwithstanding subject to a higher power; instead of the dark instinct, all its actions are regulated by a free deliberating will; its

motions have not eternal sameness, they are only mediately connected with eternal nature; they therefore submit to that superior will, which uniting all parts into a whole, has still access to each individually. Connected by intermediate organs, and animating and preserving each other, both form that perfect free-acting whole which is the finest work of creation.

The former, however, possesses more of that real essence of which we have spoken, and is therefore properly the governing element of the state; the second approaching more to the ideal, appears as the more spiritual element. In the Church itself, however, the former bears more the stamp of protestantism, and the latter that of catholicism; and in the state, the one will represent the democratical, the other the monarchical principle. Democracy will always concentrate in itself; it tends as much as possible to be its own legislator, and shuns every power which attempts as a superior to regulate and order by general abstraction; it dissolves and divides until it comes to the single individual, to the last element of the community. It therefore considers authority as nothing, and makes its own conviction the judge of its actions; the community has a delegated power. Unity is formed by an unanimous plurality, and has otherwise no ideal consistency or power. But the essence of the monarchical principle is renunciation and self-denial. It arises in a synthetical form by a succession of abstractions up to the highest power, and then descending again, considers all that is inferior as flowing from that first synthesis, the unity, concentrating the whole in itself. The essential character of monarchy is therefore belief and obedience, applied to that single generality which was produced by the sacrifice of all particulars, as in history all times are united in general living tradition.

But since every state must in its beginning take root in nature, we perceive in the constitutions of antiquity, especially in those of Greece, and, in modern times, in those of the New World, the element of democracy uppermost. In the same manner with respect to the Church we find in the former polytheism, in the latter sectarianism. The Greek constitutions were in all their elements of family, community and state, purely automatous, and the indispensable monarchical part was added by an aristocracy, which was itself only a more limited democracy.

All ancient democracies were founded for the most part, by an unconscious instinct, which put nations in motion like the wandering stork, those that were settled built their nests near

the water like the beaver, and sent forth colonies like the bees; in the interior of these societies every thing was regulated after the periods and cycles of nature; the authorities represented the descending and ascending energies of nature. Rome, founded in her interior upon the same principle, introduced externally the system of monarchy into her great empire, but still restricted by the genius of the ancient world; the provinces essentially obeyed, and the will of all nations was concentrated in that of Rome, in the same manner as the Jupiter of the capitol reigned over all the deities of the conquered world.

The Germans, issuing from their forests, stormed the bulwarks of this empire, and gradually ingrafted the spiritual unity of monarchy upon their natural state. When Charlemagne had settled the tranquillity of the western world, he formed the first empire in the spirit of the new christian age. He, the first Prince "by the grace of God and the choice of the People," still nobly honored the principle of old German liberty, allowed it every development, and uniting it with the christian monarchical principle, formed the first really organic state, embracing man in all his physical and mental faculties.

In subsequent times, however, the unity which this sovereign, during his long wars, had, perhaps, too strictly maintained, became gradually loosened, and the centrifugal principle, gaining strength, divided the body of the state into branches forming a gradually rising series of unities, of which each inferior appeared the root of a superior. The feudal system of the middle age was then established, the alliance of the crown uniting with the democracy of the landholders, produced the seven degrees of aristocracy, of which the Emperor, as the highest unity, formed the head. Thus all proprietors, giving up their property to the community, in order the better to secure its use to themselves, by the protection of the whole, in the same manner as natural liberty is renounced at the formation of society, they formed that impenetrable mass of power which condemned all non-proprietors, or all whom they could conquer by the force of arms, to a mild sort of slavery. With this mixture of the two principles, Germany passed brilliantly through the second period of her middle age, and was elevated to the head of Christendom. But in the course of time this system, which had been organised by the development of democracy, was also to be destroyed by that still spreading power. After the powerful Suabian Emperors became extinct, the imperial dignity being elective, and that of the officers of the crown hereditary, violence and disorder constantly increased.

The Ecclesiastical and Lay Princes then acquired more and more strength; because they contained most of the principle of unity. But this accession of power they obtained on the one hand at the expense of the imperial power, which they gradually undermined; and on the other at the expense of the vassals, whom they either impoverished or bribed into their interest.

Territorial sovereignty now gradually developed itself. In the first place the invention of gunpowder enabling the Princes to dispense with the bravery of their vassals, they transformed them into courtiers, or hirelings in their armies. Secondly, the discovery of America, pouring its streams of gold into society, was followed by the system of taxation which soon rendered governments independent of the grants of landholders. Finally, the reformation entirely subdued the Church, and rendered it dependent on the state. Thus the empire was divided into a host of greater and lesser tyrants, who scarcely tolerated the appearance of a chief over themselves, but constantly encroaching downwards, destroyed the democratical principle in all below themselves.

The better to effect this purpose, those systems of centralisation were invented, by which governments took every thing under their control; the least trifle was destined to be regulated from the centre; the police extended its powers into the very private life of society; the Church itself was made a tool of this policy. But insulted nature soon took vengeance on the supporters of this infatuated system. Those central departments required beings of a higher nature than are usually found among the generality of mankind, and yet were mostly occupied by creatures who, with respect to energy and perception, were below mediocrity; whilst from beneath the insulted authority could receive neither assistance nor restoration.

Thus, however, in proportion as it greedily swallowed up every thing its strength was gradually lost, and the machine becoming more intricate, the weak spring that had to set the whole in motion, was inadequate to overcome the resistance. At the same time all instincts and energies being destroyed, the whole political economy became an artificial work of the understanding without life and nature. In like manner as landed property first went for coin, and then for paper, all organic energy became a dead letter, which had but little to do with the real world, and the state resembled those galvanised animals which, without life, awfully perform all its functions.

Whilst this system was in its full growth its antidote was not

cently preparing. It proceeded from the efforts of the [illegible] and freeholders of the empire. Under their protection the freemen incorporated themselves in companies in the cities, and these societies formed in the Hanse Union a corporation of a higher order. Meantime the revolution in Switzerland formed an independent peasantry. The increase of money multiplied the number of free proprietors, and soon transferred the greater part of the soil to the free commons. The service in the armies gave them honorable distinctions, [illegible] knowledge, and the science formerly [illegible] by the higher orders, and finally by the reformation they obtained freedom of conscience.

Thus the democratical element powerfully grew up in the same ratio as the monarchical externally extended, and internally weakened itself; and while the latter, attempting encroachments upon the former, attacked the liberties of the states, it called forth resistance, which gradually brought on a [illegible] motion. Thus originated the revolution in England, and the revolt in the Netherlands; and in our times, the French revolution. But as by the dissolution of the empire, the system of sovereignty in Germany was brought to perfection, the democratical element has been carried to the highest pitch of discontent; and it may be easily conceived, that so great a degree of exasperation calls for conciliation, if a violent explosion is wished to be avoided.

Were we to compare the present state of Germany with any situation of organic life, we should say, that it most resembled that of the magnetic Somnambulism; for in that state all free agency is destroyed, and all motion and [illegible] are directed by the inferior organs, without being influenced by any intellectual authority, the mind being in a dreaming state.

But as in that situation inferior life acquires what is lost by the superior, it receives new instinct; a new sense is awakened, whereby it easily obtains a knowledge of itself and the surrounding world; thus we perceive in the third state, particularly since the impulse given by the wars of liberation, the same change of effects. It has acquired all the faculties which formerly belonged to the higher organism of the states. [illegible] manifested in public opinion that knowledge, which guides the organs, even against their will, which understands all the relations of the world, nay, even its own allings, and [illegible] the proper remedies to remove them.

To allay this ferment, the two principles must be united, and that the democracy may [illegible] to the monarch, who, in his infallibility, stands at the head of society, and [illegible]

[illegible] the whole [illegible] should [illegible] a central co-operation [illegible] preponderance both to the [illegible] [illegible] The communities should [illegible] in their [illegible] administration, [illegible] the [illegible] of justice [illegible] guided by ancient custom, and [illegible] by the [illegible] attached to [illegible] the positive [illegible] of the law [illegible].

The officers of the administration and judicature, [illegible] connecting link which brings [illegible] into one system of unity. Their operations [illegible] general superintendence of the execution of the law [illegible] merely preventing the *abuse* of liberty, without [illegible] secondly, the regulation of the general [illegible] of their respective departments, acting not with so [illegible] freedom as the communities themselves, yet with a [illegible] degree of independence; and, lastly, implicit submission and obedience to the complete control of the executive power in all that is legal and just.

Every department would thereby bear a [illegible] relation to that immediately below it, and, as it ascends in the [illegible] of power it ought to be more and more concentrated; [illegible] being placed in the centre, communicating on the one hand with the local authorities, and on the other with the different branches of the ministry. But in the administration of justice this office should be divided; the decision respecting the fact should be left to [illegible] and the application of the law to a judge.

But as the [illegible] will be best performed by the inhabitants themselves, all [illegible] officers [illegible] should be [illegible] elected by them [illegible] against [illegible] the [illegible] power [illegible] of those that are [illegible] should be [illegible] [illegible] by a legal [illegible].

But in order to afford [illegible] in the [illegible] of [illegible] public [illegible] provincial [illegible] the ministry in the regulation of the concerns of the whole na-

tion. Thus the system will be strengthened and supported by the energies of those automatous institutions which are the powerful growth of the native soil.

This appears to be the only means of regaining what we have lost; of calming the public mind; and bringing that extensive, wavering, unsettled activity back again into its proper channel; thus by restoring the rights of the people, obedience will be secured, and that free submission, which is the only bulwark of the State, will be obtained.

By allowing free communication of thought, bound only to truth in facts, and moral equity in opinion, and its abuse left to the decision of an impartial jury; by placing every branch of the constitution under the jealous control of the nation; by abolishing the uncertain control of the Crown, allotting to every public authority its limited duties, performed on its own responsibility, and as far as possible personally discharged,—the chief sources of those discontents, the malady of all States, will be removed.

By abolishing the empty forms, the parchment bonds, which afford the monarchy, unless it resort to brute force, only a doubtful and wavering authority over the democracy, a real organic bond will again keep the crumbling bodies together in sound active life, and mutually supporting each other, all will contribute to the common good.

The institutions which tend to the preservation and internal peace of the State, having been considered, we come next to those established for its internal defence. Armies in the present age are entirely governed by the monarchical principle; blind obedience keeps them together, and their specific military honor is the only feeling that animates them. But it was soon perceived that the trivial mechanism which deprived constitutions of all vigor, had the same effect here, and that the spiritless theories of parade banished all practical skill and courage from the armies; the necessity of renovating them in the internal spring of youth was therefore acknowledged, and the Landwehr or Militia was called forth. But it was perceived that standing armies having now become the general defence of all States, a single State could not without danger relinquish them. Therefore as long as the present system of war is kept up in the army, the armed power of the Executive, the proper domain of the monarchical principle, and the old military retinue of the Prince, are completely established: and in order to preserve this state of things, the dotation of the army must be joined to the civil list.

To this essentially obedient army, the Landwehr,—as in it essentially the democratic principle must be uppermost,—is added, as the foundation of the executive power. The army,

considered as the retinue of the Prince, should, in time of peace, be composed only of volunteers and enlisted men, who, of their own accord, bind themselves to the military oath; while the Landwehr, fixed to the soil which they are to defend, should be bound only by their civic oath, and should consist solely of unmarried men, excepting none but those whom circumstances may render unfit for the use of arms. As citizens, they should not be harassed by parade, but should merely learn what is necessary in war. The soldiers ought only to be amenable to the civil authority on the commission of a civil crime: so the Landwehrman should only be subjected to severe discipline when he is under arms; but it should never be so rigorous as to stifle the independent spirit of the citizen. Finally, in the army all officers should be appointed by the highest authority; but in the Landwehr, all officers up to a certain rank should be chosen by the men, and confirmed by Government. This institution, for which the present Prussian Landwehr can only be considered as a preparation, would render the use of arms familiar to every inhabitant; military training would become a public duty, which, if the commonwealth were actually established, would be discharged cheerfully, while now the hope of a better futurity alone renders it supportable.

When youth shall take an interest in the profession of arms, and mature age in the public concerns, thus communicating to the State strength and vigor both within and without, we may perhaps enjoy some portion of that equilibrium which formed so distinguishing a feature in the States of antiquity. But, to introduce and to preserve this equilibrium between the governing and the governed, it will be one of the duties of the representatives, (who have the power of limiting, in time of peace, the amount of the standing army, and of determining in time of war what number of the Landwehr shall join the army), to watch, that if the scale sink on one side, careless apathy do not make them neglect their duty, or on the other hand, that they do not render themselves incapable of future activity by over-exertion at first.

The third point of contest in which the present age is engaged, is the question respecting the ranks that are to participate in the legislation. Here, too, antiquity, following the type of nature, formed them, without the aid of logical abstraction, rising as in a mathematical problem, gradually from the lowest to the highest. The ranks of scholars, priests, nobility, and the people were known in the remotest ages.

These divisions were founded by nature herself on the difference of races, and were first introduced into ancient States, which were founded by the superiority of the sword over mere vegetative life, and the superiority of intellect over the sword.

The noble races that have thus victoriously established their Empires, wished to preserve their original purity of blood, and therefore circumscribed themselves into casts, the members of which were forbidden to mix with others, and if such a circumstance occasionally happened, the half-pure offspring fell again into a new cast.

Christianity, preaching the equality of all before God, first broke up the casts together with slavery, changing them into States which, in progress of time, became more and more mixed, and less definable. The States of the European Republics of the middle ages, though for the most part founded on this double conquest, are yet less closely circumscribed than the casts. Christianity has softened the transitions, and mediated the claims of authority by uniting all with the bond of charity into one body, no longer animated by different hostile souls, but by the different faculties of one, which are forced to manifest themselves in the various functions they perform.

Thus the priesthood was considered as the depository of all wisdom, human and divine, possessing all the intellectual faculty in society; it was the ordering principle in the State, conferring dignity and order on the inferior States. Hence it derived its attribute *reverend*.

The nobility, in the centre of which the Prince, as the general legislator, had his place, were considered the defenders of society, and the protectors of the throne. The strength of the whole centered in them, courage was regarded as their essence, bravery their instinct, honor their portion, and their swords the ready protectors of the weak: thus their attribute was *honorable*.

Finally, the people, the children of the earth, extracting wealth from her bosom—the *epithymia* in the State; the characteristic of all their actions was *honesty*.

The people being essentially unsettled and moveable, that property which comes and goes is their lot; the priesthood being necessarily contemplative and solitary, their wealth is fixed under divine protection; but the nobility standing between the unsettled and the fixed, their portion is a fief established between the two extremes.

The nobility unites in aristocracy the two principles of democracy and monarchy. They are divided into seven classes: a church above them, essentially monarchical, has formed her hierarchy into seven classes, from the Pope and his presbytery downwards, through the archbishops, bishops, archdeacons, deans, priests, and monks; respecting the latter as with the freemen of the lowest class, it is not well decided whether they belong to the bishops' hierarchy or to themselves. The people too, in time of prosperity or public commotion,

have affected to subdivide themselves into seven distinct classes.

When in later times representatives of the several estates were to be appointed as guardians of the sovereignty, the clergy was added to the nobility and the people, in order to be the impartial mediating power, lest the two parties should ever dispute on the subject of privileges or interests.

In modern times, however, this order of things has been deprecated, owing to the defects which it presented in its application. It has been said that this frame-work of different States, founded by violence and imposition, was unmeaning and ruinous in itself, and that society being composed of equal particles, there should be the same equality in the eye of the state and the law, which Christianity declares to be in the eye of God. These forms have, besides, been for the most part destroyed by time; the clergy have lost a great part of their estates; military distinctions have been shared by all classes, and the people have long ago renounced the burden of providing for those who only consumed. Therefore it were absurd to keep up these half-withered artificial restrictions. Even the difference between towns and provinces has been declared nonsensical, and tradesmen's companies still more so. It is said that every one might freely to carry on a trade or profession for which he may be qualified; that the privileges of the nobility are contrary to justice; and the pretensions of the clergy to freedom of conscience is absurd, since, by an external constraint, the very idea is destroyed.

A mediation between the Prince and the people, which, by turns, might side with the one or the other, and gain ground at the expense of both, would be useless. And if the opposition between the people and this ambitious aristocracy were abolished, the mediation of the clergy would no longer be required. The hoarding up of any kind of property is a robbery on society, and all confined wealth should be set into circulation, that like the circulation of the blood, it may tend to strengthen the State.

This moving possession would thus henceforward become the only basis of the community, and even the spiritual would only be valid by being founded on this possession; the possession of the land would be the element of democracy, and that of money, the element of the monarch; therefore all the servants of the crown would be bound to it by the reward of money, and the land would be free, and belong to the democracy. The Prince should stand in the centre, surrounded by his army, and the people in the periphery, in the full possession of all landed property.

But lest the centre, with its concentrated power, should burst

asunder the sound, though divided base, a representation must be formed. But their representation should not be confined, as is the case in England, to particular provinces, cities, or towns, but should comprehend every individual capable of voting. A representation of the whole mass of the people would thus form the anti-thesis to the thesis of government, and their mutual opposition would last till the wished-for synthesis were found.

This system, entirely founded on the landed property and money, is purely physico-mathematical; they are terrestial powers, which are in mutual opposition to produce the proper equilibrium, and although in history it is an actual progressive step, yet, in an internal comparison with the organisation of early ages, it is relatively retrograding.

But the continuation of such a system can only be anticipated, when the most perfect equipoise is constantly preserved in the two powers; an overbalancing on one side must lead to democracy, and on the other to despotism. In a representation like this, such a derangement is the sooner to be expected. In the body of the freely-chosen representatives the will of the people will be as much concentrated as that of the Prince in the ministry; and the two powers coming in contact, backed on one side by the favor of the Prince, and on the other by that of the people, a convulsion must inevitably ensue.

This antiquity endeavoured to obviate, by blending some part of the monarchical element with democracy, and on the other hand, by introducing democracy into the corporations of the nobility. Thus the two extremes being diffused through the whole body politic, both lost their acuteness, and the flame which here blazes from one focus, there diffused a genial warmth through the whole community.

The legislators of ancient times, not guided by abstract systems, but, like poets, by inspiration, formed their system of the body politic, like that of organic life, by a compound of manifold connected systems, developing in various ways their peculiar faculties, and by an accession of internal members softening every opposition.

They knew that by augmenting the number of these corporations, they created many separate interests in opposition to the general interest of the community: which were necessary to preserve its energy; and that the strife would be settled before its total destruction ensued, if the whole were not devoid of that superior love which is the natural tie of society; and that individual inclinations, turned into interests, were not lost and destroyed, if represented in corporations, instead of being individually represented.

They knew that the principle of perfect equality, when once constitutionally acknowledged, would terminate in a decided democracy. When in Florence the higher nobility had been subverted by the lower; the latter in their turn were driven away by the tradesman's companies, who themselves were furiously attacked by the rabble; thus all order was destroyed, and the republic became the prey of a tyrant, the first Medici who rose from the third state.

The same would take place in the present system, cities would be subverted by the more numerous freemen of the villages, these again by the single free estates, and at length by the whole of the non-proprietors, until all property would be equally divided.

Thus then the old system of casts was founded upon an inequality attached to races and maintained by power; while the present system of policy has reference to an ideal futurity, when the power of money and industry shall have removed the inequality arising from property, when education shall have abolished all difference of rank, and caused all diversity of natural capacity to disappear. But since we stand nearly in the middle of these two extremes, and rather incline more to the beginning than to the end, we shall also be obliged to seek a medium in a modified representation.

The cause of the misconception in the present theory now becomes evident. The idea is essentially free, and tied to no condition, but if it is to be applied, it will meet with natural obstacles, which may indeed be, for a time, violently overcome, but which will finally re-assert their rights. Christianity, therefore, which only considers the spiritual man, asserts his authority before God; but his inequality in the State is founded upon natural inequalities, the distribution of property and ancient institutions. Thus the alchymist might theoretically assert the inequality of all metals; but if, following up the idea, he attempted to change them, he would find an insurmountable obstacle in those natural laws that had once distinguished them. The State conventionally established the gradations in society as it did the value of metals, which, after being fixed, may be modified, as the exigences of the age require, but can only be totally abolished by a revolution.

But the nobility which existed in the remotest ages of German history, has descended to us as a distinct body with positive rights. From the first meeting of Congress to the present times, they have seen that it is a folly to make voluntary sacrifices, and that arbitrary power ultimately carries every thing: founding upon this maxim, they reclaim their full privileges as their right.

On the other hand, the people are highly exasperated that

they should be called upon to give up their rights for the sake order of former or present institutions. In vain are they reminded of the age of chivalry, and the patriarchal character of ancient times; they feel that the time has arrived when a completely new compact ought to be entered into by all the classes of society. In the meantime, however much the contending parties may, in the heat of the contest, exaggerate by disowning each other, yet if the question is about an agreement, the contracting parties must, in the first place, guarantee to each other their continued existence.

Whatever may be said, the princes, whose rights and legitimacy rest on the same foundation as those of the nobility, will never persuade themselves that this order is hostile to them; and the nobility who, from their interests, are naturally inclined to the throne, being now violently repulsed by the people, will hasten to support the policy of the court. This we have seen has always been the case in Bavaria, Baden, and Nassau, whenever the empty contests of words were brought to a practical result.

On the other hand, the privileged orders play a wicked and desperate game, in delaying the salutary work by their machinations, which, augmenting the irritation, and rousing all slumbering passions, must at length make the furious sea break the slender dykes, and hurl the criminals to destruction. It is therefore the interest of both parties to settle their differences quickly: the one by giving up what is not tenable, and being satisfied with a part of their claims, which, according to a strict idea of justice, are not unfounded; the other, by contenting themselves (on recollecting that in Turkey, the seat of the greatest despotism, there is no nobility at all, and that, therefore, by their destruction nothing is gained against the encroachments of arbitrary power,) with a peaceable concession of a part, rather than to seek, by a general subversion, to destroy the whole; by which event, although all positive institutions would vanish before the law of nature, other debts would be incurred, for which all, from the highest to the lowest, would have finally to pay.

Such a conciliation is certainly to be expected from all circumstances in Germany; there is not, as in France, the gulf of a past revolution opened between the parties. Here the two superior orders have already risen from among the people, the professors of learning and profane sciences, and a *nobility of merit*, which in the last war, in particular, have acquired almost all the military honors, and are now seeking their proper place as members of the state in the chamber, and the aristocracy of possession and talent. On the other hand, we now see the nobility, particularly in the Rhenish provinces, connect-

ing themselves with the people of their landed possessions, in so far as they have fixed themselves upon them; and the clergy exists almost only in its popular branch, the parson and curate.

Common sense seems therefore to point out as the only remaining means for reconciliation, that the modern nobility and clergy, who have sprung from the people, should unite with the old orders of the same description, descended from former ages, both equally renouncing all old privileges and modern pretensions in contradiction with the age; that the ancient nobility, by acknowledging the title of merit as well as birth to future nobility, should, by this very acknowledgement, combine with the moveable nobility of merit from the third state. That the clergy, instead of flying from science, as from the seducing serpent, should, by the power of conviction, endeavour to make her the friend and support of religion, thus honoring the mental freedom of which the age can in no way be deprived, and subduing it only through itself, in order to bring religion again into life. To point out the particular measures by which all this is to be effected, will be the business of the immediately succeeding times.

In such an order of things, where old age will constantly be refreshed by the youthful vigor of the people, and on the other hand, where that boisterous youth will be moderated and tempered, a new and lasting organisation may gradually spring forth from the elements of the old decayed state, without the efforts of a revolution, which may stand for ages before a new transition will be required. In the same manner as the people will be divided according to their possession of moveable or territorial property, so the nobility will be twofold, one of *merit*, entirely founded on the choice of the people, as officers in the Landwehr, as magistrates and representatives of the people, and one of *birth*, placed by the Sovereign in the army, at the court, in the ministry, and among the hereditary representatives. But as the election of the people may as often fall upon birth, as that of the prince upon merit, both kinds will, in all these elements, be perfectly mixed. In the same way the learned state will become perfect, when the clergy, while building upon Scripture and tradition, shall nevertheless acknowledge the results of experiment and speculation in the sciences, and consider them as the real side of religion; by which means they will not only live in the past, but also communicate with the present; a relation which, with the direction that German philosophy has lately taken, though considered elsewhere as impossible, will be found compatible with the national character.

Thus the authority of the monarch, uniting with that of the church, will descend through the court, the old nobility, the crown officers, and state attendants, all appendages of the

Sovereign; while liberty, that essential emanation of the people, will lay in the third estate the foundation *of life*; she will, next the Landwehr and the magistrates of the democracy, exhibit her will, and must finally, as the expression of public opinion, rise to intellectual eminence.

In the same succession and mixture, the representation will unite those scattered rays of the three faculties only in one focus. In modern times, the English system of two chambers has been generally preferred. But here, the intellectual element being almost entirely absorbed, and the three elements of nobility, clergy, and commons divided into two, there remains no mediator in case of absolute division; since the nobility, by its very nature, cannot be the mediator between the people and the throne, for as the emanation of majesty, it will naturally side with the crown, and in such a contest oppose the people. Thus, there would always be with us, a contest between the chambers for freedom and authority; and one having the *veto*, the whole proceedings would be converted into empty talk and pompous show, and no actual business would be transacted. Besides, the two parties being shut up in two houses, and communicating only by dead writing, any approximation, which a verbal communication face to face might produce, is for ever precluded. Public opinion being naturally on the side of one chamber, the other, cut off from the people, would angrily withdraw themselves under the smiles of court favor.

It would be most advisable in order to introduce into the assembly an active play of all energies, in which all talents might exert themselves for the benefit of the whole, to unite the three orders in one chamber arranged into three sections or *Curiæ*. The first composed of the commons should embrace in itself all the chief interests in which that order is divided, which might be reduced to those of town and country.

Both these interests are equally necessary to society, the latter perhaps more so than the former; but, although it may be the most numerous, yet, to keep the balance even, their different qualities should only be considered; and it would therefore be just and advisable, that though both together should send more deputies than the superior orders, yet that they should themselves be equal in number, and be divided into two different benches. The town bench might perhaps be again divided into two others for the moneyed interest, chosen, like that of the country, in the ratio of property, and for trade and industry according to the number of votes.

The second *Curia* or that of the nobility should likewise have two benches, the one for the ancient hereditary Peers, the other for the nobility of merit, nominated periodically by the

Prince from among the magistrates of the democracy, captains of the Landwehr, &c. In the same manner the third *Curia* should consist of one bench, occupied by the clergy of the different confessions, partly called there by election, and partly by their dignity, and of another bench for the professors of learning and public instruction.

Thus the two chief elements of every constitution would find themselves united in the three *Curiæ*, which being again specifically sub-divided into several organs, any differences which might arise, would be settled within themselves, and would not as in the system of two chambers, either be left unsettled or referred to the decision of force.

Since, however, it might happen that by a concert between the two superior orders, the commons might be suppressed, care should be taken to protect their great interests by the number of voting. In grants of taxes and levies of troops, the decision should be made by the plurality of votes; in which case, the third order would justly have the greatest influence. In all questions of particular privileges of the democracy or aristocracy, the voting should be by benches. In all other cases in which the monarchy or the church might be concerned, the voting should be by *Curiæ*, with the modification, however, that for the change of any essential part of the constitution, besides the consent of the Prince, that of the majority in the three *Curiæ* should be required. In all other contested points of a superior nature, in which there might be a clashing of interest between two of the orders, a third would always be found to settle the balance.

All these are forms which may be modified in many ways; but they form only the first automaton of the state, which is nothing but a dead corpse if it want that internal animation which alone can preserve, impel, and inspire it.

But there are three principles of animation. The first is religion; it was with this, that the ancient clerical states were begun, their governments being theocracies. But the priesthood having in course of time lost itself in pride,—power, strength, and courage asserted their rights, and the Kings arose, who at the head of their armies, gradually subdued the world. Honor and warlike virtues maintained here their influence, the crook was changed into the sword. But when at last the power of despotism became unbearable, those in whom any energy and mental strength still remained, shook off the yoke, and democracies were formed in which the rule, the compass, and the plough were kept in honor, civic virtues, republican sentiments now appeared; instead of honor, honesty; instead of sanctification, moral dignity.

But in antiquity we only meet with the descending half of

history. Christianity, entering into the democracies which succeeded Alexander and the Cæsars, formed a new religious state in the midst of them; and embracing the children of the north by its spirit, it produced over Europe, through the agency of Charlemagne, a new universal monarchy. But in the long contest of the warriors with the priesthood, under the Rhenish, Franconian Emperors, they both wasted their strength, and the temporal power sinking first, the glory of Germany ended with the Suabian Emperors. Meanwhile the priesthood losing its support, weakened by internal discord, and sunk in immorality, was destroyed by the reformation in the north, and, at last, shaken in its very foundation in the south. The empire followed in the destruction, withered in the sovereignty; and now the original democracy is, in the midst of arbitrary systems, re-established, if not in form, at least in power.

It is not however savage strength, with its multitude of natural faculties, which is returned; but what it has lost in nature, it has gained in intellect. It is therefore impelled by a natural instinct, unconsciously to fill the new sphere which has been opened for it; but above all, it endeavours to get rid of that arbitrary power, under which it feels there can be no confidence, no security without, no peace within, no dignity, hope, or charity.

But it was arbitrary power itself, that called forth this sentiment; that state policy which, for the sake of profit, fed the body of man, at the expense of his intellect, and which, if, in spite of its efforts, the mind had not been strongly moved by ideas passing like lightning through it, would have degraded man to mere vegetative life. All this proved that authority had long since fallen into a sickly state, and been on the point of becoming the prey of the automatous element.

It is therefore very plain why in the present time, nothing is listened to but what is palpable to the senses. That constitutions should be required to be built upon purely mathematical principles, is very pardonable in this state of things; every age must act according to its prevailing spirit, which ought not to be obstinately resisted. But then it ought not to be forgotten that the moral political laws are as firmly established and as inexorable in avenging any infraction, as are those of nature; that every violence produces another, and that every extreme must have an opposite, that the omission of good is as criminal as the commission of evil. If all those ethical laws have acquired a mathematical certainty in society, if they have penetrated it in all its elements, and become irrefragable maxims, it may follow its instinct without danger, and build its constitutions on its calculating principle. But this mechanism will never acquire its proper animation, and become a living body,

capable of protecting itself, until civic virtue shall be the only State policy; a system founded on prejudice, now particularly prevalent in France, respecting the natural turpitude of men, will never acquire consistency, and nothing can compensate for the dishonesty of man. This error, founded on the grossest materialism, though adopted by some individuals in Germany, will never take root in the moral sense of the nation.

On the contrary there appears to be a strong tendency towards a general justice; and republican virtues, softened and elevated by religious sentiments, are about to become the soul of public life. If the notions of the age, respecting the state and constitution are too corporeal, it should be recollected that this is the natural course of things, and that the animal faculties are sooner developed than those of the mind. We should preserve from destruction the sublime remnants of former ages; fan every spark into a flame, and the spirit of the present age should move the wings of those that have preceded it, in order to diffuse life and warmth throughout the whole work. But the future cannot be anticipated, nor can the past be brought back; religion has mostly withdrawn itself into the heart, and has ceased to be a great edifying principle; honor too has disappeared in the general infamy of the last ages. Therefore the present architect employs only those laborers who yet retain some portion of strength, and the others are merely assistants, according to their different capacities. When the present generation, rendered incapable by the pressure of the times, of any thought but for the present, shall have passed away, when democracy shall have renounced its former despotism, and taking root in the old ground, shall have regained vigor and life, when suspicion shall yield to confidence and tranquillity of mind, then will the sublime gradually assert its right, and the motion in constitutions, which for ages has been downward, will once again ascend, while the intellectual energy developed in the people, shakes off the dead matter, and also forces its way upwards. Then in the competition between the new and old nobility true honor will again become a reigning principle, the rallying point of all great minds in time of danger or commotion. As the ancient nobility will honor their birth by meritorious actions, so the natural desire of honor, like other possessions, transmitted to their posterity, will be renewed among the plebeians. Then, as in ancient Rome, families will again rise up to be a type and pattern of honor for future generations. The time will also come, when the Germans will act up to their present conviction, that though their subdivision is an invaluable blessing, it will become their curse if they be not bound up into one union, and though some of the federates have not shown themselves sufficient to support the freedom and security of the

whole, this principle will doubtless be maintained by some powerful race, which has not sunk under the weight of Charlemagne's crown, which can wear his cloak, and wield his sword.

Meanwhile it will be generally acknowledged that religion is not a nursery tale, but the band of spirits, the word of the living God manifested unto man, that the state is but the foundation of the church, and that public life and the cultivation of the sciences is a workshop in itself. From the purity of morals which still characterises the Roman Catholic clergy in Germany, an enthusiasm will easily rise, which will once more impart the long-forgotten life to all forms. They will find that it is not the persecution of intellect, that noblest gift of Heaven, if but properly employed, but its union with religion, that can dispel darkness and frivolity, the hot-beds of infidelity. The Protestant clergy, making a proper use of their freedom, will meet this endeavour, keeping the Scripture as their guide; they will know how to separate human institutions, from eternal truths, and it will also purify them of all partiality, selfishness, and pride. Sciences, not pursued as a trade, but directed to religion, will, instead of remaining a dead weight upon the mind, serve to wing its flight to a higher destination. Then different faiths will approximate to each other, not by forms, instituted by particular views or authorities, which only serve to rouse slumbering fanaticism; but because full liberty will turn to necessity: then a new priesthood will arise, which, like all terrestrial things will be fixed on earth, but whose kingdom will be in the superior spiritual world, and from whose mouth the long promised, and expected *paraclete* will be manifested.

These views may be called Millenium follies; upon such fallies however Christianity, which has changed the face of the world, was founded, and the present cold calculating spirit will at least not be more immortal, than the inspirations of former ages. But that spirit can indicate no other way but through bloodshed, civil war, and insurrection. The idea of a German republic and confederacy like the American, is surely less fantastical than a hegemony to which nobody is willing to submit. Only the straight-forward historical course therefore remains; all resistance to the Omnipotent Will is vain; let things take their natural turn. The German people will not act themselves, unless they act in faith and justice; every deviation from the upright course must be unsuccessful.

Therefore, ye of the third estate! be not diverted from the legal path! you have risen against the monster of despotism, which stood like a phantom between the throne and the people; you have claimed your ancient liberties, and you must regain

them. You will no longer pay contributions to the treasury like slaves; but you will, as formerly, pay to the State taxes requested and not commanded. You will no longer suffer yourselves to be dragged to serve in every war; but like your forefathers you will be ready to rise in the defence of your country, when attacked: you will not take justice from courts, which are lost in empty forms and sophistry; you will henceforth prove it before judge and jury. Merit will stand on a level with rank and trade; speech and thought will be free as the air you breathe. In short, you will not blindly submit to every arbitrary mandate; but only to laws, to which you have previously assented. These are your undeniable rights, not favors to be dealt out at pleasure, and which ought least of all to be deferred at a time like the present.

But do not sully your good cause by crimes, for you will thereby only favor your enemies. If Heaven destroyed the giant, who swallowed up the revolution, what is there yet in the present age that can resist your cause? Let fools vainly struggle; when they think they have advanced very far, they will find themselves lower than from whence they set out. Authority is founded on justice, and no one can forsake her unrevenged. All the armies in the world cannot destroy a mathematical truth, still less a moral universal law. God only assists the righteous, and violence though supported by power, will sooner or later be caught in its own snares.

But it is not the dead law upon paper which can be asserted; whatever proceeds from the heart will remain victorious in life. Therefore the more despotism takes upon itself, the closer must all unite; if all direct the light of their eyes to one point, it will produce, as in a lens, a flame which nothing can resist. Do not desist from asking what is your due; return constantly to the charge; but at the same time do not take a single step which you can be obliged to retrace. Thus defending your cause courageously, you cannot fail to be successful. But at the same time, do not forget the use moderation; while you take your own rights, let all others have theirs. Your great object must be to render your age better than the past; for without public virtue constitutions are of no value. Had we possessed virtue, liberty would not have been lost; but the mere desire of seeing it re-established, does not prove that you are worthy of possessing it. The great and but too well-founded defence of all wrongs committed by governments is, that the age refuses to obey, and yet knows not how to be free; the reins of government must not flutter in the wind. Whoever will have every thing to himself, and allow nothing to others,

is a tyrant, and consequently a slave; but freedom is not only liberal in taking but also in giving. Ye of the nobility! once more recollect your original double nature, half turned to the throne, and half to the people. When in the latter times you entirely devoted yourselves to the former in the court and army, the people naturally ceased to honor your station, for they saw in you the favorites of the sovereign. With the sovereigns you have shared the spoils of the empire, having appropriated to yourselves your fiefs. Length of possession cannot protect against revolutions; they quickly pass over ages to strike at the root of the abuse. Hearken then to justice, and yield to an agreement, which, leaving you in the possession of your property, only refuses to acknowledge unjust claims sanctioned only by the abuse of time. You should henceforth claim no privileges for your persons, and if you wish to be greater than others, you ought also to bear with pleasure a greater proportion of the public burdens. You ought not to resist the call for concessions which the age makes upon you; but you have a right to demand that these claims be settled peaceably and in proper time. The more you prove that you still possess the honor you claim as belonging to your station, the more you will ensure the esteem of your antagonists; but if you persist in being regarded as the pensioners of the dissolved empire, your extinction may certainly become a desirable object. The intention is not to make patch-work constitutions, but sound ones; and whoever defends abuse, must be considered as the internal enemy. Do not, therefore, attempt to cover your illegal possessions by your right, lest you lose both together. The mere pride of nobility has become the scorn of the age; but an energetic and honorable nobility, particularly in the higher offices, frequently occupied by beings that make us blush before foreigners, is certainly much wanted. But the qualification for such a nobility can only be acquired by an active public life in the Senate and Landwehr. . . . . .

Ye of the Clergy! teach the people to respect civil order, even in its lowest state; not to deviate from the legal path, and never to break through the bounds of morality in revolt. But call, also, in virtue of your office, upon the princes and their counsellors. Tell them that they are not to tempt God any longer, who has given them so many warning signs, lest in his wrath he send them the last, which will destroy them and their race. The granting constitutions, which, in spite of themselves, can no longer be withheld, is not now the question. Nations claim their just privileges, which arbitrary power denies them, and which have been withheld beyond all legal bounds. But

they are seated on their thrones to grant justice to those who demand it, and woe to them who shall refuse to grant it! Tell them that the responsibility for all that may hereafter happen rests on their heads; that before the tribunal of the Almighty, even their negligence will be called to account. Let them bear in mind how severely Germany has latterly been punished for their omissions. Tell them that if they, in their exalted station, confound right and wrong, law and tyranny, justice and violence, the mass of the people, whose power is only restrained by prudence, will follow their footsteps:—and that if the irritated feeling of justice, which can no where find a hearing, should furiously resolve on self-defence, the contest will speedily be ended. No documents proving conspiracy have yet been discovered; nay, after the alarm of treason had been raised before all Europe, it has been officially denied that any investigation respecting conspiracy had taken place. But nevertheless the fire rages in all hearts, and at intervals a flame bursts forth, as the signal of the forth-coming eruption of the slumbering volcano. It will therefore be advisable to grant right to those who only ask for right, lest by a further denial it should be found necessary to accede to the unreasonable demands of those who claim what is wrong. It is not the wish of the better order of society to destroy authority, or to put in practice the bold innovations of every hair-brained theorist. This incurable spirit of innovation may fairly be ranked with despotism. Despotism may serve a sanguinary tyrant who has the courage to put it in practice; but for princes in general, this shadow of power, which they cannot possess in reality, proves fatal to themselves. The reigning families who have risen with the people from remote ages, and have been long connected with them, should not govern like Imperators, by bayonets, dead-letter forms, and ministerial orders; but like fathers of families, by respect for age, filial love, confidence founded on tried wisdom and justice—by the esteem which moral perfection commands, and by affection, which is the result of kindness. Of this the present age will be found susceptible. Scarcely a trace now remains of that brutal superstition which requires to be omniscient over confined human wisdom, all-powerful over weakness, and infallible amidst the fury of passion! The present age will rather put an end to such unworthy idolatry; it will restore, in the room of vain theories, life and spirit to those things which experience proves to be indispensable. All this you shall tell them, and more if need be, that they may acknowledge what God has wrought, and

yield to the power of *idea*. Twenty years have they fought against it, and have been beaten almost to destruction; under the protection of heaven they have at length overcome their enemies, who have now changed sides with them. Thus authority is the work of an idea equally good with the other. The prince who denies it will sink to the level of common mortals, and he alone will reign who rears his head to the skies. He who drags on his [illegible] conscience on earth will be the slave of error and passion, and his name will be blotted from the page of history.

Discite justitiam moniti, et non temnere Divos!

ELEMENTS

OF THE

PUBLIC DEBT

OF THE

UNITED KINGDOM;

BEING THE

DRAUGHT OF A DECLARATION,

SUBMITTED TO THE ATTENTION

OF THE

LANDED, FUNDED,

AND EVERY OTHER

DESCRIPTION OF PROPRIETOR,

OF THE

UNITED KINGDOM.

WITH AN INTRODUCTORY ADDRESS.

By RICHARD HEATHFIELD, Gent.

LONDON:

1820.

INTRODUCTORY ADDRESS.

WHATEVER may be the difference of opinion, as to the causes and motives of the late war, it is evident that the British nation retires from the contest with the advantage of great increase in all the means of political power.

In agricultural and cultivated surface, the increase is very considerable; in the British American Colonies, in the Antilles, in Asia, in the south of Africa, and in the British Isles, the augmentation of territory, of population, and of production, constitutes great accessions of power.

In manufactures, generally, the ability of the United Kingdom to maintain successful competition, throughout the world, is demonstrated; the British warehouse is the resort of all nations for clothing, in most of the varieties required by the convenience and taste of each; the increase of demand on British Industry, exerted in the useful arts, is indisputable.

And so happy is the distribution of these several interests, so fortunate the relation of the several parts to each other, so harmonious the whole, as to produce, necessarily, a mighty arm, for protection and defence, in the marine, by which the intercourse, for the exchange of the natural and artificial productions of each, is conducted.

The effect of this harmonious and powerful combination has been experienced, in the invincible fleets and armies of Great Britain, and in the unexampled expenditure by which those fleets and armies have been maintained.

How, then, does it happen, that the increase of public happiness is not only not co-extensive with the increase of power in the body politic, but is to be contemplated, as declining in the inverse ratio of that increase? That power in the whole, is suffering and sorrow in the individual?

The causes of the anomaly may be reduced to four general heads, namely,

The System of the Public Debt.
The want of a clear and well-defined System of Provision for those to whom facility of employment is not presented at home, by means of Colonisation.
The Poor Laws.
Education, as respects all classes of the community.

Of these important subjects, the first mentioned, only, is intended for present consideration, because, relief from the burthen of the public debt, appears to be indispensable to the successful institution of corrective or remedial measures, with reference to all departments of social life.

Industry is the vital principle of property; abstracted from labor, the land, the spindle, and the loom, are alike inert and unproductive: a free course to honest exertion, and protection and compensation to the industrious, are, therefore, first principles in the social compact. A public debt, whatever the circumstances in which it may originate, bears adversely upon those principles: the duties and taxes, inseparable from a public debt, enhance the price of all productions, particularly the price of agricultural produce; the market for the productions of labour, and particularly of agricultural labour, is, consequently, circumscribed; the course of industry is checked. The enhanced price of food, and of all necessaries of life, disturbs the relation between the rate of labour and the price of subsistence, and places at hazard the compensation due to the active and industrious classes of the community. The charge of interest for loans of money ought, therefore, never to be incurred by the state,—or, if necessary, as the alternative from a greater evil, should, with the least possible delay, be removed by the fair and honest discharge of the principal debt.

Great Britain has so long been accustomed to a national debt, so many conveniences actually do result and so many advantages appear to result, from her system of public debt, as to render the approach to the question of final and complete liquidation, anxious, and not unmixed with the apprehension of the charge of temerity. The British system of public annuities is sanctioned by time, is recommended by the facilities which it accords to the annuitant, and is familiarised by use.

But, if the positions now advanced, be true generally, they are true, more especially, with regard to Great Britain; for, abstracted from the active disposition and industrious habits of her people, her empire is only a name: the sanction of a limited period of time, cannot alter the inherent character of things; if, for upwards of a century, a system of public annuities has been recognised and acted upon by the Government, necessity has ever been the plea for carrying into action a measure always held to be objectionable; and experience cannot be urged in favor of the attempt to support and continue, the recent extension of the system: the convenience of individuals, is not to be indulged to the prejudice of the best interests of the community, and the apparent advantages will be seen, as the illusions of the fancy, if the system be at variance with the first principles of society, if the labourer be deprived of his fair reward, if, in consequence, the good order and well-being of the state, be fearfully bothe upon and interrupted.

The public debt of Great Britain is, for the most part, concocted on peculiar principles, principles which can only be justified by necessity, and severe, indeed, must be the necessity which can justify their application.

It is not lawful, between individuals, to condition for the payment of interest, and, also, for further compensation, by an addition to the principal sum advanced, on re-payment of the loan; a contract of such description, between individuals, would be held to be repugnant to fair and honest principle; would disgrace the lender, and injure, if not destroy, the credit of the borrower. What, however, is conditioned, what undertaken in a British loan? An examination of the three per cent. annuities will lead to sufficient explanation.

In a bargain between the public and the loan-contractor, under which a three per cent. annuity is created, it is conditioned, that in consideration of the advance or payment of a sum of money, ordinarily varying between fifty-five and sixty-five pounds, a transferable annuity shall be granted, of three pounds, the annuity not to be redeemable, compulsorily, for any less consideration than one hundred pounds; and, as it may be convenient to the annuitant, to sell the annuity, without awaiting the forced redemption, the Government becomes bound to carry, periodically, into the market for public securities, to purchase public annuities, sums of money, progressively increasing with the progressive amount of the annuities, actually, from time to time, bought up: under the engagements for this purpose, the amount applicable to the redemption of the debt of the United Kingdom for the year ended 5th January, 1819, was fifteen millions six hundred and twenty thousand five

hundred and three pounds, seventeen shillings, and five pence half-penny.

One effect relied upon from this plan, is the excitement of confidence on the part of the lender, and undoubtedly, the calculation is encouraging; he is assured of five per cent. interest or thereabouts, on the capital advanced; he has before him the calculation of the effect of the government demand, in the market for public annuities; he buys an annuity for which the grantor assures to him a market, for the grantor binds himself to become the chief buyer therein; and he entitles himself to receive one hundred pounds for every sixty pounds advanced, (taking sixty pounds for the average,) should his annuity be cancelled compulsorily.

The disadvantages of these terms are heavy and severe towards the public. The legislature binds the public to pay the annuity which the government has granted, so long as held by the public annuitant; when no longer so held, when redeemed, in virtue of the contract with the annuitant, the amount of the annuity is still required from the public, and for what purpose? to be carried into the market for public annuities, to assure to the holders, so far as extensive, constant, and obligatory, purchases can assure, an advantageous price for such annuities.

It is to be admitted that the ulterior object proposed, or spoken of, is the redemption of the whole of the public annuities; but, in the face of the advance in the price of the annuities, incident to the present system of purchase by the government; in the face of the frequent creation of annuities, in the face of the too probable calculation of the return to a state of war, is such a result to be expected? The idea of the public debt being effectually redeemed, by means of the present system, cannot be gravely entertained, by any person possessing ordinary powers of reflection.

This is an awful conclusion; a conclusion in which the country cannot rest; an alternative is to be sought, and the final object of these reflections is to point to that alternative; it will not, however, be improper, previously, to state some of the consequences, which actually flow from the public debt.

By the direct and indirect effect of duties and taxes, the difficulty of procuring individual support, by plain and simple exertion, has been greatly increased.

By the unrestricted issue of paper by the Bank of England, by means of the peculiar circulation of the currency, occasioned by the immense collection and re-issues, by the Government, the facility to speculative pursuits has been greatly increased.

House of Commons Reports.—The public accounts, cited throughout are the accounts to the 5th January, 1819.

By the example of persons, successfully engaged in speculative dealing in the public annuities, a similar spirit has been excited and carried into the pursuits of trade, to an unparalleled extent.

The encouragement of patient labour and exertion, has consequently, declined; the disgrace of pauperism and insolvency has, therefore, diminished: the operations of trade have taken a turn decidedly speculative; regular profits from trade, are, therefore, comparatively, seldom realised. What greater evil can befal a commercial community? The indisposition to honest and patient labour, and the disposition to pursuits merely speculative, when carried to an extreme, comprehend the dissolution of the moral character of trade,—that is, in a trading country, the moral character of the community.

The agricultural difficulties of the country, have been rendered plainly intelligible, by parliamentary discussion; they are everywhere felt, and the Statute Book declares, that the people of the United Kingdom, must not expect, under the present system, at any definable period, to eat cheap bread; and yet, notwithstanding this admitted state of difficulty, this kingdom, on the supposition of relief from the proportion of the duties and taxes, incident to the public debt, might be expected to grow corn, at a rate of price sufficiently low, to meet the flour of North America, in the markets of the south of Europe: that measure of relief being supposed, the great capital of this country, the laborious habits of the people, the skill and management of the British farmer, the proximity to the markets of Spain and Portugal, would, probably, admit a liberal return of rent to the landed proprietor, and, of sufficient reduction of price to maintain competition in those markets: it is not intended to be advanced, that the United Kingdom could grow more than sufficient, or even sufficient, grain, for the national consumption; the suggestion embraces, simply, the conception, that, in the case supposed, the rate of price would be such, as to assure to the grower, a foreign market for grain, in the event of a surplus quantity being produced, and, consequently, would encourage, in the highest degree, the investment of capital in the cultivation of the soil: whether that extent of consequence would or would not result, it is unquestionable, that under the supposed relief from impost, the people would be cheaply fed, and that great and powerful impulse to the agriculture of the United Kingdom, would be experienced.

The same remission of duties and taxes, although not calculated to affect the demand for manufactures, in a similar degree, would greatly augment that demand; the United Kingdom is, undoubtedly, the general resort of nations, for the productions of the loom and of the anvil; most descriptions of British manufacture are produced at prices, which render the labour of the manufacturer a blessing

to mankind; but it is, notwithstanding, clear, that an increase in domestic agriculture would cause an increase of consumption in manufactures at home, and that reduction in price, and, consequently, extension of market abroad, would ensue, from the supposed reduction of impost: in many leading particulars, the Statute Book, to the very letter, is at variance with the first principles of political economy; the duties which are imposed on the material of many branches of manufacture, may be instanced; namely, the duty on silk, hemp, flax, cotton-wool, foreign sheep's wool, indigo, and on most of the importations of materials for dyeing, printing piece goods, and other processes of manufacture: partially corrected, indeed, by drawbacks and bounties, but still, weighing, sensibly, against the demand for British manufactures.

Many of the trading and fiscal laws of Great Britain are the growth of times of distressing emergency; those laws and regulations, to great extent, when enacted, were allowed to be objectionable, were adopted as the lesser of conflicting evils, and it would be presumptuous to assert, that measures less onerous, under the circumstances, could have been devised: that consideration, is not, however, now to be entertained; it is plain, that the British system of public annuities is objectionable, in principle, and it is indisputable, that great inconvenience and distress proceed from its actual operation.

It is, therefore, to be considered, whether, the immediate, partial, relief, and the eventual, entire, relief, of the British nation, from the burthen of a Public Debt, upon the basis of a general contribution in respect of property, including the amount of stock, created in favour of the public creditor, and the amount of all other public securities, (not being the property of ex-resident foreigners,) can be rendered practicable and safe?

It is difficult to estimate the private property in the United Kingdom, with the accuracy to be desired. By the statement published by Dr. Colquhoun, which Dr. Colquhoun denominates, "An Attempt" to estimate the property in Great Britain and Ireland, (1812,) the amount of private property, in the United Kingdom, is represented to be, two thousand six hundred and forty-seven millions, six hundred and forty thousand pounds: in that statement, the cultivated lands, constitute one half, nearly of the whole sum; the cultivated lands, in England and Wales, being estimated at something more than 24*l.* per acre, this is a moderate rate of estimate, the other particulars are evidently the fruit of much labour and research, and upon an attentive examination of the statement, taking into view the authorities which are cited in its support, there does not appear to be any reason to question the propriety, for the present purpose, of considering private property in the United Kingdom under-rated at the sum

of TWO THOUSAND FIVE HUNDRED MILLIONS, which is one hundred and forty-seven millions, six hundred and forty thousand pounds less than Dr. Colquhoun's estimate.[1]

The public obligations, in respect of the national debt, separate into four divisions; namely,

	Principal, or Numerical Amount of Debt.			Interest and Charges of Management of Debt.		
The Sinking Fund, as to which it has already been shown, that the sum applicable to the reduction of the debt for the year ended 5th January, 1819, was equal at 5 per cent. to the principal sum of	312,410,077	9	2	15,620,508	17	5¼
The Funded Debt,	797,401,149	0	10¼	28,131,487	3	7¼
The Unfunded Debt, taking for the average of the year, the amount on 5th January, 1819, and taking the interest at 4 per cent.	51,992,095	14	2¾	2,079,683	16	7¼
Annuities for lives or for terms of years				2,098,612	18	3¼
	1,161,803,292	4	10	47,853,987	15	11¼

[1] Colquhoun on the Wealth, Power, and Resources of the British Empire. 3d Edit. p. 35.

For the advantage of simplicity in treating this subject, regardless not had to the partial deviation from the principle of the Sinking Fund, which has been made in aid of the supplies for the present year (1819).

Being a charge of forty-seven millions eight hundred and fifty-nine thousand nine hundred and eighty-seven pounds, fifteen shillings, and eleven pence half-penny, (not including the heavy charges of collection,) in respect of a principal sum of one thousand one hundred and sixty-one millions, eight hundred and three thousand two hundred and ninety-two pounds four shillings and three-pence, and annuities for lives or for terms of years, in respect of which a principal sum of debt does not appear.

The Sinking Fund, as to which the first mentioned charge of 15,620,503*l.* 7*s.* 5 *d.* has arisen, is required with reference to the Funded and Unfunded Debt, only; if the debt were provided for by other means, the demand on the public, in that respect, would cease and determine.

To provide for the liquidation of the funded and unfunded debt, it is proposed, first,

That,—

All private property in the United Kingdom, including all claims on the Government, in respect of money lent and advanced, (not being the property of ex-resident Foreigners,) be declared, by the legislature, liable and subject to a contribution of fifteen per cent.

By which measure, taking,

The private property, at - - - -				£2,500,000,000	0	0
The Funded Debt, at - - -	797,401,119	0	10¼			
Allow for claims of ex-resident Foreigners	15,000,000	0	0			
				782,401,119	0	10¼
The Unfunded Debt, at - - -				51,992,095	14	2¾
			Total	£3,334,393,214,	15	1

Specific provision would be made for the Reduction of the Principal of Debt £500,158,982 4 2

Principal of Debt, totals,						
Funded	£797,401,119	0	10¼			
Unfunded	51,992,095	14	2¾			
				849,393,214	15	1
Leaving - - - - - - - - - -				£849,234,232	10	11

To be provided from the following means and resources.

If a clear and decided intention were manifested, by the legislature, to liquidate the national debt, on the basis proposed, it is anticipated that government stocks, of every description, would advance to 100. Sums of money, varying from

small to great, are in daily course of accumulation in the United Kingdom, as well by public bodies as by individuals, which are the constant subject of investment: in the contemplated event of the advance of all government stock to 100, a considerable proportion of such monies, would be tendered to the British Government, without the intervention of third parties (as in the instance of a contract for a general loan) and without the creation of a principal debt, exceeding the principal sum advanced, to be secured by transferable debentures, or otherwise, at an interest of three pounds per annum for the one hundred pounds advanced; which would equal the produce of the same sum, if laid out in the purchase of 3 per cent. stock, at 100. It will be admitted, that the security of the British Government for the payment of the interest of money, is desirable: if that security be not found in the public market, it will be sought at the hand of the Government: the conditions of a loan, if money be not required, in given sums, at stated times; if accepted, at a moment of convenience to the lender, will be prescribed by the borrower, by the Government, and not by the lender; and it is as clear as any prospective view of the nature of the question under consideration can be, that in the event of the measures now proposed being adopted, the facilities for the payment of the portion of the public debt, not otherwise provided for, arising from new and proffered loans of money, at a moderate rate of interest, would be very considerable.

It is proposed, that all monies, so lent, shall be applied in discharge of the principal of the present debt; a fresh debt, will, indeed, thus, be created, but, without the obligation to continue the present Sinking Fund, and not exceeding the amount of the principal of debt, not otherwise provided for.

Other means and resources, with reference to the reduction, either of the capital of the original debt, or of the supposed newly created debt, are presented for consideration, namely:

The contribution to be made in respect of British Colonial, and Asiatic property, so far as the same can be brought under the cognisance of the British legislature by an income tax, in respect thereof or otherwise.

A contribution in respect of property to be acquired within the United Kingdom, after the date of the first general assessment, that is to say, an income tax on all clear nett income, after the deduction of expenditure of every description.

The surplus of taxes, which may be so regulated as to amount to a considerable sum, without preventing the large and liberal relief, immediately required.

The amount of stock which may for ever remain unclaimed. The contribution of 15 per cent. on the probable greater

amount of property, within the United Kingdom, than the sum of 2,500 millions, already mentioned.

The examination in detail, of these latter particulars will not now be deemed necessary: it must be obvious, that, in combination, they present the means of completing the liquidation of the public debt; opinion may vary as to the expediency of exerting all those means; opinion may vary as to the selection of the means, if the whole be not exerted; but it is not questionable, that the means suggested, would be fully equal to the purpose of liquidating the debt, not otherwise provided for, taking the amount at 350 millions.

The following are the operative means, by which it is conceived, that the contribution or levy of 15 per cent. on the property actually within the kingdom, may be rendered practicable and safe; it would not be prudent, if practicable, to carry the whole into effect, as respects the levy of money, at one moment of time, and the modes to be proposed, embrace considerations, which not only guard against that inconvenience, but which, it is presumed, will exhibit the whole measure in a more advantageous point of view than may have been anticipated.

In respect of the stock-holder, annuitant for lives or for terms of years, and creditor on unfunded government securities, no more would be necessary, than the abatement of 15 per cent. from the capital stock or numerical amount of the claim of each individual, and the like reduction of annuity or interest.

In respect of persons liable and subject to assessment on landed or other property, such persons being also public creditors, the cancelling of stock or other debt, to an amount equal to the sum of their respective assessments, would satisfy the demand upon each.

In respect of persons liable and subject to an assessment on landed or other property, such persons not enjoying the facility mentioned in the preceding paragraph, the levy of the contribution must be accommodated to the respective circumstances of the several parties.

With regard to many, facilities would undoubtedly be presented, by floating balances, by monies invested in foreign funds, by monies lent on mortgage, by the early and convenient sale of property, and by other means.

But it must, necessarily, happen, that a large amount, in the aggregate, would be required from persons not possessing any other property than the immediate subject of the assessment: such persons may be classed thus:

1st Class.—Proprietors of Lands, Dwelling-Houses, Mines, and Canals.

2d Class.—Manufacturers, Ship Owners, Merchants, Traders, Farmers, and others.

It is suggested;

That the term of ten years might be allowed to the first class for the payment of the principal sum to be assessed; interest to be payable in the mean time, on the principal unpaid, at the rate of 5 per cent. per annum, by half yearly payments; or, if the principal sum remain unpaid after the expiration of ten years, the rate of interest to be increased to 6 per cent. until the principal be paid.

That the assessment on the latter class, should be payable by equal instalments in each of the first five following years; in the mean time, interest to be payable on the principal sum assessed, at the like rate of 5 per cent. by half yearly payments; discretionary powers being vested in commissioners to extend the time of payment of the principal sum, but not in any case to exceed the term of ten years.

It will be objected;

That the discharge of the national debt would occasion a redundant capital.

That the circulation of the amount of the half-yearly dividends on stock is favourable, nay essential, to the prosperity of the country.

That the inquisition into the estate and property of every individual is objectionable, in principle, and would be inconvenient, in practice.

That the advance of all government stock to 100, would give an advantage to the stock-holder, more than equivalent to the sum of his contribution of 15 per cent.; that he would derive a direct benefit, instead of bearing the burthen of the assessment, in common with the landed proprietor and commercial capitalist.

That the want of the security of the Government would be severely felt, by the aged, the infirm, the minor; by corporate and other public bodies, by charitable institutions, and by commercial capitalists.

These objections, are, severally, of apparent weight, and it is not possible, in an imperfect state of society, to devise any comprehensive range of action, wholly free from difficulty; it is, however, conceived, that each particular objected, will admit a satisfactory answer.

Capital cannot be, directly, either increased or diminished by the liquidation of the public debt, by the means proposed; the stock-holder, or public annuitant, as such, is not a capitalist.

In effect, a redeemable Property Tax.

The discontinuance of the sinking fund, would only render unnecessary the levy and repayment by the Government of a sum of money equal to the amount of that fund.

The reduction of demand on the nation by the public annuitant, would, in like manner, only render unnecessary the levy, and repayment of a sum of money equal to such reduction.

The proportion of the payment to be made by the landed and other proprietor, in money, would pass through the Exchequer to the stock-holder, who would become the buyer or mortgagee of land or other property, to the same extent, as the proprietor, to pay his contribution, might become the seller or mortgager; money must circulate for this purpose, but there would not be any increase of capital.

There could not, in either case, be any increase or diminution of capital: whether more or less amount of money be passed through the Exchequer, the sum of capital remains the same. The real effect, would, indeed, be the reverse of that which is supposed in the objection; the relief which the country would experience under an extensive remission of duties and taxes, would cause activity to capital, and consequently, would, in the first instance, tend to the want, rather than the superabundance of capital.

The question of the half-yearly dividends turns upon a similar consideration; the means of those payments are first derived from the public. In the instance of a village, containing fifty heads of families, who may contribute directly and indirectly to those issues, at the rate of 5*l.* per annum, each; if not so called upon, each individual (supposing the rate of wages to be the same) would find at his disposal, five pounds, yearly, more than he now commands, which he would expend within his own sphere, and would thus be the instrument of a better circulation, for all social and political purposes, than can be produced by any other means; so with respect to all other classes of society. The instrumentality of the tax-gatherer, cannot be necessary to the healthy circulation of the body politic.

The inconvenience incident to an inquisition into the estate and property of every individual, is undoubtedly, very considerable, and for any inferior purpose ought not to be proposed: the purpose in question, is, however, of the deepest concern to all who feel the value of social existence; distress and danger press, and if the measures now brought into view, comprehend the means of extensive relief, of what comparative weight is the inconvenience objected?

It is admitted that the stock-holder would enjoy an apparent advantage, as objected: three per cent. stock, under the influence of the measures recommended, would advance to 100; the con-

tribution of the stock-holder being only 15 per cent. he would receive 85*l.* for what would, now, in the market, produce only 70*l.*; upon the reinvestment of his money on government security, at 3 per cent. he would, however, receive but 2*l.* 11*s.* per annum; say 3 per cent. on 85*l.* instead of 100*l.*: his income would be reduced 15 per cent. and, in that way, an equality with the situation of the landed proprietor would be produced:[1] if indeed, the capital should not again be advanced on government security, or when finally paid off, the stock-holder would obtain an advantage, but not more than he would have obtained in the market, as now constituted, whenever any considerable reduction in the quantity of stock should have been effected: and it will not be contended, that the nation, is, for ever, to be oppressed with debt, to prevent the stock-holder from obtaining 100*l.* for the 100*l.* which the books of the Bank of England, record in his name. The objection applies rather to the principle on which the stock has been created, than to the principle on which it is proposed that it be redeemed.

It is also admitted that inconvenience would ensue to various establishments and classes of persons, if the Government were, at any time, wholly to decline all guarantee of interest for money; and it is not, now, necessary to determine, definitively, whether, after the liquidation of the amount of the present debt, such guarantee should again, in any or what degree, and under what circumstances, be accorded or not; the incompatibility of such engagements, with first principles, has been shown, and in any event, it would be grateful to the country, to find her security the object of solicitude, and that the lender of money, on the security of the British Nation, no longer considered himself entitled to the terms of singular advantage which he has hitherto enjoyed.

The immediate effect of the measures proposed may be considered as represented in the following table:

[1] It may fairly be presumed that the Accountant-general, most or all the corporate and other public bodies, and charitable institutions, the generality of trustees, and many individuals, on their own account, would avail themselves of an opportunity of re-investing the amount of stock held by them or in their names, on government security, if paid off, and the opportunity were presented.

The Public obligations in respect of the national debt, have been stated, page 8, as follows:—

	Principal. £. s. d.	Interest and Annuities for Lives or for Terms of Years, including Charges of Management. £. s. d.
Sinking Fund	312,410,077 9 2	[illegible]
Funded Debt	797,401,119 0 10½	[illegible]
Unfunded Debt	51,092,095 14 2	[illegible]
Annuities for Lives or for Terms of Years		[illegible]
	1161,803,692 4 3	[illegible]

Immediate Reduction.	Principal. £. s. d.	Interest, &c. £. s. d.	Principal. £. s. d.	Interest, &c. £. s. d.		
The *whole* of the Sinking Fund			312,410,077 9 2	15,620,503 17 5½		
Fifteen per cent. on Funded Debt, amount	797,401,119 0 10½	28,131,187 3 7½				
Allow for claims of ex-resident Foreigners	15,000,000 0 0	529,178 17 6½				
15 per cent. on	£782,401,119 0 10½	27,602,008 5 6½	117,360,167 17 1	4,140,301 4 11		
Fifteen per cent. on Unfunded Debt			7,708,814 7 1	311,952 11 6	437,569,059 13 4	[illegible]
The Debt and Interest would immediately be simplified and reduced to					724,234,232 10 11	[illegible]
The Application of the Assessment on the property estimated at 2500 millions would also be immediate, in relief of the industry and exertion of the country, and the principal sum of the Assessment being collected, the principal of the Debt would be reduced by the sum of					375,000,000 0 0	
Until collected, the Interest thereon at 5 per cent. per annum, payable by the several parties assessed, and applicable to the satisfaction of Interest payable to the Stock-holder, would amount to						18,750,000 0 0
Leaving to be provided for to complete the liquidation of the debt, the principal sum of					349,234,232 10 11	
Or for interest, and Annuities for lives and for terms of years, and charges of management, the sum of						[illegible]

It is to be observed on the above statement, that the sum remaining to be paid in respect of Interest would vary;[1] so long as the whole sum of 375 millions remained unpaid, the sum of 9,037,230*l.* 2*s.* 1*d.* would be correct; on the extreme supposition to the contrary, namely, that the whole sum of 375 millions were to be paid immediately, the sum for Interest and Annuities for lives and for terms of years, would be as follows:

Interest on £349,234,232 10*s.* 11*d.*, taking the average rate of the Interest	£12,621,107 0 3½	
Annuities for lives or for terms of years	2,028,612 18 3½	
		14,449,719 18 7

In the event, the amount would vary between the two extremes, that is between £9,037,230 2*s.* 1*d.* and £14,449,719 18*s.* 7*d.*, and may be taken at 13 millions.

[1] The Interest for which Taxes must, for a time, be provided, would increase on the satisfaction or payment of the principal sum of the contribution, because so much of the contribution as would operate to the reduction of 3 per cent. 3½ per cent. or 4 per cent. stock, would prevent an annual demand on an equal amount of principal at 5 per cent.; an individual being assessed in respect of landed or other property, of the value of one million, would be required on that account to pay £150,000, which, at 5 per cent. per annum, would amount to £7,500 per annum; if the same individual possessed 3 per cent. stock to the same amount, the income therefrom would be £4,500 only, but by cancelling his stock, he would be relieved from the annual payment of £7,500—this consideration would accelerate the liquidation of the debt, but it would, in its operation, increase, proportionally, the sum of £9,037,230 2*s.* 1*d.* above mentioned. The same effect would follow on the redemption of 3 per cent. 3½ per cent. and 4 per cent. stock, by means of the application of monies received at the Exchequer for that purpose.

For the present purpose, the principal sum of funded and unfunded debt, remaining to be provided for, after the establishment of the sinking fund, and the application of the principle of a contribution of fifteen per cent. to the funded and unfunded debt, and to the private property in the United Kingdom, may be taken at three hundred and fifty millions, and the interest thereto, and annuities for lives or for terms of years, at thirteen millions sterling, as represented in the preceding table.

The means and resources for the liquidation of the principal sum of 350 millions have not been strictly defined, but it has been shewn that they are ample, and might be adopted, wholly, or in part, as should be deemed expedient.

These means and resources may be recapitulated as follows, viz.

British Colonial and Asiatic Income.

Future Property.

Excess of Taxes.

Stock unclaimed.

The probable greater amount of the private property, than 2,500 millions.

Expiration of Annuities for lives or for terms of years, by effluxion of time.

On a review of the preceding statement, it appears, that the burthen to be borne by the combined property and exertion of the United Kingdom, amounts to one thousand one hundred and sixty-one millions and upwards, besides annuities for lives and for terms of years, amounting to two millions and upwards; equal to an aggregate principal sum of one thousand two hundred millions or thereabouts; and that the annual charge in respect thereof, amounts to forty-eight millions, nearly, *exclusive of the heavy charges of collection*. The whole of the private property in the United Kingdom, has been stated at two thousand five hundred millions; it may be somewhat more or less, but it will not be questioned that the relation of the debt to the property is as one to two, or approaching thereto.

By this brief summary, it will become manifest, that the conceptions which have been disclosed, do not involve the principle of individual or personal sacrifice; it is sufficiently plain, without

If the general taxes, relative to the national debt, were fixed to thirteen millions, to which sum they might be reduced, simultaneously with the application of the measure now proposed and suggested, to be continued at that amount, until the final extinction of the national debt; in proportion as the principal sum of 350 millions and the annuities for lives or for terms of years were reduced, a sum, from the taxes, would become applicable to the discharge of the remaining principal.

having recourse to analysis, that the pressure of the debt, already, falls heavily on the proprietor; the husbandman, the artificer, all in the subordinate ranks of life, are distressed; and in a country, so knit by the social ties, what distress can afflict the poor that does not react upon the wealthy? the wealthy bear, not only their own immediate proportion of the burthen, but, by re-action from those who are below them in the scale of society, are destined, eventually, to bear the whole; they are the last to feel the whole weight of consequences, but they are the responsible members of the firm, and on them the consequences will accumulate and finally fall; the burthen is equal to fifty per cent.; property throughout the United Kingdom may be considered as mortgaged for fifty per cent. The redemption proposed, proceeds on the calculation of a contribution of fifteen per cent. only: it may appear paradoxical, but every proprietor would, relatively, be much richer, after the alienation of part of his property, than before, and the expectation might be indulged, that he would become a member of a well-regulated, and prosperous, instead of a deranged and harassed community.

These explanations have been deemed necessary to the introduction of the Draught of Declaration annexed. The nation requires immediate relief, and the form of a declaration has been preferred, because it is more manly, quite as constitutional, and, in all respects, more becoming, that measures, comprehending the reduction, as to extent, though not in efficient value, of the property of every individual, should originate with the subject, rather than with the Executive Government, on whom, this peculiar and weighty duty, cannot fairly, be devolved, without the previous favourable manifestation of public sentiment and opinion; and if persons, whom the question, from extent of possession and weight of influence, more nearly concerns, should, in any instance, assemble to deliberate on the subject, the conceptions are thus presented to them in the form most convenient for that purpose.

[1] Unless the proposition be qualified by the consideration of the proportion of the burden, borne by the public creditor, in respect of his annuity or interest expended within the kingdom; if, however, the amount of annuity and interest receivable by the public creditor, which may be supposed to be applied to the further purchase of annuities, and the amount remitted to foreigners and for *foreign expenditure by British subjects*, be subtracted from the whole sum of the public annuity and interest, and it be also considered that *domestic residence cannot be enforced*, the position assumed, even so qualified, does not vary materially.

DRAUGHT OF DECLARATION.

WE, the [illegible] have, with great anxiety, considered the state of the United Kingdom, on the well being of which we severally depend, in all the relations of social existence: we are actuated by an unfeigned and unmixed desire to contribute to the relief of the inconvenience and distress which press upon all orders of society; we are persuaded, that clear, simple, and comprehensive arrangements, in respect of the national debt, are necessary to this end, and under the influence of this conviction, we consider it a duty of indispensable obligation, to declare our sentiments, judgment, and opinion thereon: which we accordingly declare, as follows; namely:

1st. That, the British Empire embraces a variety and extent of territory and population; comprehending the means of producing great increase of national wealth and power, and of advancing private and individual comfort and happiness.

2nd. That, notwithstanding the possession and command of such means, the national duties and obligations are, with great difficulty, discharged, and severe and unusual pressure and inconvenience are experienced, in agriculture, in trade, and in manufactures; by every order and class in active and social life.

3rd. That, the great weight of taxes occasioned by the present system of the national debt, is a principal cause of the existing inconvenience and distress.

4th. That, the abandonment of that system is indispensable to the full and proper exercise of the powers of this great community.

5th. That, the immediate reduction of the amount now payable by the British Nation, by way of annuity, or otherwise, annually, and the eventual complete redemption of the public debt of the United Kingdom, may be effected, without violation of the national faith, and without any dangerous or mischievous disturbance of the state of property.

6th. That the annual sum payable, either to the government, annuitant, holder of public funding securities, or to the commissioners for the redemption of the public debt, considered with reference to a principal sum of debt, is equal to a principal sum of one thousand two hundred millions, or thereabouts;

7th. That, the sum payable in respect of the national debt, including the charges of collection and management, approximates to one million, sterling, weekly.

8th. That, the levy of that sum, combined with the levy of the further sum necessary for the current purposes of the state, oppresses the industrious, injures the capitalist, and threatens the most calamitous consequences.

9th. That, the national debt is susceptible of liquidationon the basis of a contribution of fifteen per cent. on private property, including the amount of stock created in favour of the public creditor, and of all other public obligation in respect of the loan or advance of money.

10th. That, it is, therefore, expedient, that all private property in the United Kingdom, not being the property of an resident foreigner, in government or public annuities, be declared liable and subject to a contribution of fifteen per cent. on the value thereof.

11th. That, in the event of the adoption, by the legislature, of effectual measures for the general application of such principle of contribution, the further operation of the sinking fund would become unnecessary.

12th. That, in such event, the contribution of fifteen per cent. to be paid by the public annuitant, or other public creditor, would be virtually effected, by the permanent reduction of all public annuities payable to British subjects, and of all other public securities, to the extent of fifteen per cent.

13th. That, the nation would be immediately relieved by that measure, from claims amounting to twenty millions, nett, annually, or thereabouts.

14th. That, the contribution of fifteen per cent. in respect of land, manufactures, shipping, commercial, and other property and capital, would, further, as we apprehend, relieve the nation, from claims amounting to fifteen millions, nett, annually, or thereabouts.

15th. That, it would not be necessary to press for the immediate payment of the contribution of fifteen per cent. in respect of the subject matter of the preceding paragraph, because, for the term during which the same should remain unpaid, an annual payment on the amount of the respective sums remaining unpaid, might be accepted by way of in lieu of interest, until paid.

16th. That, it appears to us, however, that, to great extent, a greater facility for the payment or satisfaction of such contribution of fifteen per cent. is presented, namely, in respect of all persons who are public annuitants or other public creditors, and who would become liable and subject to the contribution of fifteen per cent. in respect of other descriptions of property.

17th. That, the contribution on account of such other property, might be, effectually and readily, made, by such persons, by cancelling an equal amount or value in public annuities.

18th. That, we apprehend, that the class of persons referred to in the preceding paragraph is numerous, and that such persons are, under the present system, in effect, paying an annuity to themselves, from their own property, under a heavy loss, by means of the expence of management, and under the more severe consequences of loss, prejudice, and inconvenience, by sympathy with, and participation in, the public and general distress.

19th. That, to assure the final and effectual relief of the United Kingdom from the disadvantages incident to a public debt, it is expedient that measures should forthwith be determined upon with a view to complete the liquidation of the debt.

20th. That, various means and resources are presented for that purpose, namely:

A contribution, for a time to be limited, in respect of property, to be derived from the British Colonies, and from British India.

The contribution, which might be levied, for time to be limited, in respect of property, to be acquired and realized, hereafter, in the United Kingdom.

A surplus of taxes, after effecting the great reduction now indispensably and immediately required.

The expiration of the annuities for lives or for terms of years, by effluxion of time.

The probability that some part of the government debt will for ever remain unchanged, and that the amount of property in the United Kingdom, exceeds the sum of two thousand five hundred millions, at which sum, the same has been estimated as the basis of the 14th paragraph.

21st. That, without offering any opinion as to the expediency of having recourse to all the measures suggested in the preceding paragraph, or as to the selection of measures, should not the whole be combined, we recognize, therein, abundant means for the complete payment and satisfaction of the principal of the national debt, not provided for by the other measures recommended in this declaration.

22nd. That, whilst the measures now recommended and suggested, would be in course of operation, we anticipate that all government stock would advance to and remain at or above 100, and that the sum of one hundred pounds, invested in the purchase of three per cent. stock, would, consequently, produce an annual income, not exceeding three pounds.

23rd. That, the security of the British Government, for the

principal and interest of money, is a security, of a description, highly to be desired.

24th. That, sums of money, varying from small to large sums, are in constant course of accumulation in this United Kingdom, as well by public bodies as by individuals, which monies are the frequent subject of investment in government securities.

25th. That, in the contemplated event of the advance of all government stock to 100, we anticipate that a considerable proportion of such monies would be tendered to the British Government on loan, without the intervention of third parties, (as in the instance of a contract for a general loan) the principal sum advanced, simply, to be secured by debentures or otherwise, at a rate of interest of three per cent. per annum.

26th. That, the application of such monies, when so lent and advanced, in aid of the liquidation of the existing debt, would, as we anticipate, very powerfully accelerate the discharge thereof, and, although a new debt would thus be created, the new contract would be plain, direct, and simple, unincumbered with the obligation of the present extensive Sinking Fund, and would, as we presume, at no distant period, be terminated by the entire cessation of public debt.

27th. That, we are impressed with a deep conviction of the advantages which would flow to this Empire, from the force of simple institutions; that we can not apprehend any mischievous or dangerous consequences from the temperate and gradual, but early and complete, relief of the nation, from the present complicated system of finance; and we do, therefore, hereby express our anxious and unqualified desire to witness the adoption, and to promote, by our individual example, the execution of any measures, founded on a principle of equal contribution, adequate to a purpose, which, comprehending the interests, in their vital principle, of this mighty Empire, embraces the interests of the human race.

SUPPLEMENT TO THE FOURTH EDITION.

It has been observed, by persons for whom the author has great respect, that a view, in detail, of the advantages to be expected from the measure suggested by this Tract, if adopted, would have added to its interest.

It is obvious, that an extensive range of beneficial consequences might be anticipated, and that the subject might be dilated into a work of much larger compass; but the desire to produce an en-

tire, unbroken view, of the leading principles and calculations, which must decide the judgment, on this great question, has prevailed over every other consideration, and determined the Author to adhere to the arrangement, under which he originally endeavoure to condense his conceptions.

He avails himself, however, of the publication of a new Edition, to remark:

That the proposed contribution of fifteen per cent. on the value of property in the United kingdom, is to be considered as a composition for Duties and Taxes and other public obligations, very much exceeding in amount, the rate of composition proposed, on, as a property Tax, of the like beneficial character, in respect of persons to whom facilities for the payment of the composition might not be presented.

Thus:

The amount of the first and principal assessment, is estimated at five hundred millions and upwards,[1] the annual value of which, as a considerable part would be contributed in 3, 3½ and 4 per cent. Stock, may be taken at twenty millions.

The general relief, consequent immediately, upon the legislative imposition of that assessment, would be:[2]

		£	s.	d.
In respect of the	Sinking Fund,	312,410,077	2	2
	Funded Debt,	117,360,167	12	1
	Unfunded Debt,	7,798,814	7	1
	Private Property,	375,000,000	0	0
	£.	812,569,059	12	4

in round numbers eight hundred and twelve Millions, and the annual demand, in respect of the national debt, would be reduced, from the nett sum of Forty-eight millions to the nett sum of thirteen millions, or thereabouts,[3] which sums, including the charges of collection,[4] may be taken, in round numbers, at the several sums of fifty millions and fourteen millions.

The difference is thirty-six millions, to be remitted in relief of the country, from the necessity of raising money by loan, or of

[1] Page 9. [2] Table, page 15. [3] Page 26.

[4] The charges of collection amount to the average sum of £7. 0s. 4d. per cent. See House of Commons' Reports. If the revenue decline, the charges of collection will constitute a higher average, in some proportion to the diminution of revenue. The sum of fifty millions above mentioned, combines the charges of collection, on the proportion, only, of the sum of forty-eight millions, supposed to be raised by Duties and Taxes.

interrupting the operation of the Sinking Fund, whilst part of the mutual system of finance, and in relief from duties and taxes.

It will therefore, be readily admitted, that the contribution of 15 per cent., by proprietors, possessing facilities for that purpose, and the Property Tax of 5 per cent. on the amount of the assessment, to be paid by proprietors, not possessing such facilities, until convenient to pay the principal sum to be assessed, would be met by a more considerable measure of direct and immediate relief; and it is hoped, that this statement will be admitted to be a satisfactory explanation, to the very few persons, who have objected, in general terms, that the measure proposed, is theoretical or impracticable. What objection can be urged that will not apply with equal, or greater force, to a Property Tax in aid of the present system?

If, indeed, it be said, that the circulation would be injuriously affected, the contrary has been shown, pages 12 to 14: the abstraction of money from the innumerable channels through which it would otherwise flow, to be re-issued through the medium of the Exchequer, is a forced and morbid, in place of a natural and healthy, circulation.

Or, if it be apprehended, that a sudden and injurious reduction of the value of commodities would ensue; it may be sufficient to remark, that the reduction of price, would proceed, not from a market, over-stocked, which, leaving the cost the same, only reduces the return; but from the reduction of cost, by means of the remission of Duties and Taxes: the cost would be less, and therefore, the price would be less. The sole guard required, would be the protection of the stock on hand, whereon duty should have been paid, either, by the return of the duty, or, by allowing a reasonable time for the consumption of that stock, before the effective repeal of the duty. Since the introduction of the system of bonding, the stock of goods, whereon duty has been paid, is not of more than moderate extent.

The progressive consequences and general effect, upon the country, will not now be enlarged upon, nor will any calculation be made, of the effect of the ultimate, entire, relief of the nation from the burthen of debt; but the consequences with reference to the parochial poor, may require some notice.

The cost of subsistence would be reduced by means of the general reduction of Duties and Taxes; in such reduction, would probably, be included, the Duties on most articles of import used for the purposes of manufacture, and on most articles of British manufacture: in consequence, the demand for labor would be increased, and the approach, to a fair adjustment between the rate of labor and the rate of subsistence, would be facilitated. A just

state of relation, in those particulars, is essential to the management and direction of the parochial poor; if the rate of labor be below the rate of subsistence, the poor unavoidably recoil upon those in the several degrees above them, in the social scale, and the consequences become severe, and of an anxious and awful description.

The adjustment of the rate of labor to the price of subsistence, cannot be affected by direct, legislative interposition: it does not, however, therefore, follow, that, a tendency to a just balance in that respect, may not be promoted, by the Legislature or by the Executive Government: if employment could be increased, and the price of subsistence, at the same time, be reduced, the number of pauper poor would decrease: on the supposition of the remission of the Duties on salt, on the constituent ingredients of beer, on soap, candles, coals, and on some other articles, and that bread were reduced in price; such circumstances, concurring with the remission of the Duties, which now narrow the demand for articles of British Manufacture, would tend, powerfully, to the reduction of the number of the poor, depending on parochial aid, and the moment would be favorable to the institution of a system, if such could be devised, to prevent the great evil of supernumerary population. On this subject, some thoughts occur to the Author, but he forbears, at this time, to communicate them, because, they can only be rendered effectual, in application, in the event of relief, in the more commanding particular, which is the subject of this Publication; and, because the question of population and the poor, is of a magnitude to require distinct and separate consideration.

REPORT

OF THE

SELECT COMMITTEE

OF

THE HOUSE OF COMMONS,

APPOINTED TO INQUIRE

INTO THE

STATE AND DESCRIPTION

OF

Gaols,

AND OTHER PLACES OF CONFINEMENT,

&c. &c.

LONDON:

1820.

REPORT, &c.

The Select Committee appointed to inquire into the state and description of gaols and other places of confinement, and into the best method of providing for the reformation as well as the safe custody and punishment of offenders, and to report the same, with their observations thereupon, to the house;—and to whom the report respecting sentences of transportation, presented in 1812; the report on prisons, presented in 1815; the reports on the police of the metropolis, presented in 1816, 1817, and 1818; the statement of the number of persons capitally convicted, and the annual returns of commitments, presented in the present session; the returns respecting New South Wales, presented to the house on the 6th day of April last; the account of the gaols in the united kingdom, with the numbers of persons confined in each; and the petition of the corporation of the city of London; were severally referred;——have considered the said matters, and have agreed upon the following report:

Your Committee have long been engaged in an extensive examination of persons, who appeared to them best qualified to afford them useful information on the various subjects referred to them. These comprise not only the state of the gaols and other places of confinement in every part of the united kingdom, in point of accommodation, arrangement, and system of management, together with such improvements as might be suggested by experience and judicious observation; but also, in conformity to what appeared to them to be the intention of the House, the condition of transported convicts in New South Wales, with all the circumstances necessarily connected with the administration of that singular and extensive establishment. They have been led to an early investigation of this latter subject, by an attention to the particular situation of witnesses now in England, the benefit of whose testimony might have been lost by further delay. In pursuing this part of the inquiry, they have entered into an examination of the state and natural resources of the country itself, considered as a colony, as well as in its more immediate connection with the system of criminal juris-

prudence, and of the manner in which the local government has been conducted, under both those views of the subject.

This investigation has necessarily brought under their observation many subjects of discussion between different individuals and the present governor; in submitting which to the consideration of the house, as they have thought themselves bound to do, they have to remark, that in many instances they have only had the opportunity of hearing the complaint or objection stated, without the possibility of receiving a complete justification and answer. They therefore suspend all comment upon these transactions till the delay of a future session may afford the means of receiving further information.

The time occupied in this part of the inquiry has necessarily interfered with the progress which might otherwise have been made in the examination of some of our domestic establishments; and your committee have been obliged to leave some particulars, and not unimportant branches, entirely untouched. Still less have they been able to prepare and submit to the house, the observations which might be expected from them on the whole of this subject. The importance of it, in all its branches, has been amply felt by your committee; and they therefore trust it will be deemed worthy of future consideration in the ensuing session of parliament. In the mean time, they have thought it right to lay before the house the whole of the evidence which they have taken, and which, for the clearer understanding of it, they have arranged under the distinct heads into which it is naturally subdivided, without regard to the order of time in which the witnesses happened to be examined.

They cannot, however, conclude this statement, without adverting to one particular subject, which has been brought under their notice by the petition of the city of London, and which, from its more immediate pressure, has attracted the particular attention of the committee. They allude to the still crowded state of the gaol of Newgate, and the consequent impossibility of affording the suitable classification to the prisoners confined in it. They have, in this and in other instances, not thought it necessary to repeat the inquiries which have led to the information contained in the reports of previous committees of this house; but the result of the whole seems to them conclusive, that in order to produce any further reform in the system of imprisonment adopted in that prison, it must either be enlarged in point of space, or some means must be resorted to, for lessening the number of persons there confined, unless a much greater diminution of crime takes place than can reasonably be expected. The former of these objects is necessarily attended with much difficulty, and it is to the latter, that the attention of the committee has been particularly drawn.

They have observed, that the number of criminals tried at the Old Bailey, and consequently previously committed to Newgate (which is the county gaol for Middlesex as well as London,) for offences committed in that county, were, in the last year, in the proportion of more than seven to one for those committed in the city of London:—That of these, a very large number, amounting to 1,200, in the last year, were for grand larcenies, not capital, which would, according to the general practice in other counties, have been tried at the quarter sessions. They have ascertained, from the best information, that if this class of prisoners were not committed to Newgate, which they need not be, if they remained for trial in the county where the offence was committed, and if the convicts under sentence of transportation were regularly removed, as has lately been the case, before the next ensuing session, there would be ample room for all such classification of the remaining prisoners as could be required, by means of certain alterations of the interior of the present building, which have been suggested to them. They have been further assured, that such a regular removal of the transports, may in future be relied on, and they have therefore had the more satisfaction in endeavouring to find the means of removing the only other impediment to the execution of this important arrangement. They have further found, that no legal or even practical objection is raised to the trial of these prisoners at the Sessions House, Clerkenwell, further than what necessarily must arise from the time which it would occupy, and the additional accommodations which it might require, objects which, your committee trust, will not be found of sufficient weight to impede a measure of great importance to all parties concerned. They find, that prisoners of this description are usually tried at the Old Bailey, by the recorder, assisted, as his other occupations may require, by the common sergeant, and that many of these trials take place in the evening; a practice which has generally been found inconvenient in other criminal courts in the country, and consequently abolished. As these sessions sometimes last for three weeks, and the time for trying the Middlesex grand larcenies, is precarious, it often happens that prosecutors, and witnesses, in such cases, are obliged to attend ten or twelve days; and as the expenses of these prosecutions are in general paid by the county of Middlesex (to the amount of 5,844*l.* in the last year) it is obvious that, a very considerable reduction in this expence must take place, if the time of attendance was shortened, which must be the result, if any mode of separate trial of these offences was adopted: to which consideration must be added, a diminution in the expenses of the individuals concerned, beyond what is covered by the county allowance, as well as the prevention of much personal inconvenience,

and interruption of private business. Your committee have adverted to these circumstances, as obviating in a considerable degree, any objections that might be urged against the adoption of the arrangement above suggested, from the expense which would be thrown on the county of Middlesex, by the support and maintenance of such prisoners during the whole time of their confinement; as well as by the accommodations which it might be necessary to provide for conducting these trials at Clerkenwell.

In the course of the inquiry on this subject, it had occurred to your committee, that as the time of the chairman of the quarter sessions for the county of Middlesex is so fully occupied, that this proposed addition of business must require the appointment of an additional chairman; and as this description of prisoners are at present usually tried by the recorder as common sergeant, whose official character would give them a weight and authority in discharging these functions, which might not be possessed by private individuals, it might be advisable to recommend the granting a special commission to these officers of the city in conjunction with the magistrates of Middlesex, for trying such offenders in that county, as often as the sessions are usually held there; and, notwithstanding some objections which have been made to this part of the plan, and which they have not had the opportunity officially examining, they still think it worthy of consideration.

A third mode has, however, been suggested to them, which, perhaps, on the whole, is the most simple, and has the advantage of producing the least change in existing establishments. It is proposed that the commission under which the gaol of Newgate is now cleared, should be extended, so as to comprise the prisoners committed for grand larceny in any prison in the county of Middlesex, and that the recorder, with the assistance of the common sergeant, should try such prisoners, (as they now usually do), but in a separate court, at the Old Bailey, during the time the other trials are going on, before the judges. This would prevent the necessity of any such prisoners being originally committed to Newgate, or sent there immediately previous to the sessions, which would, therefore, equally tend to effectuate the great object which your committee have in view, of diminishing the numbers confined in that prison. It would only be necessary that a certain number, probably not more than twenty, should be daily sent up from Clerkenwell to the Old Bailey, who might possibly be accommodated for so short a time in Newgate, or if that was found inconvenient, in some place of temporary confinement, to be provided for that purpose. The only other alteration which this plan requires, would be the erection of another court at the Old Bailey, which, if provided by the city, instead of the county of Middlesex,

as in the two former plans, would rather tend to equalize the respective burthens and alleviations produced by this arrangement.

As your committee see no occasion to submit any measure to the consideration of the house upon this subject, conceiving that an adequate remedy may be found in one or other of the modes suggested, under the authority of the crown and the directions of the magistracy, they have only to express their confident hope, that some such measure will, as early as possible, be adopted, as, on the whole, with a due attention to local circumstances and established usages, may be found best adapted to ensure so beneficial a result.

12th July, 1819.

A

GENERAL CLASSED CATALOGUE

OF THE

First Thirty Numbers

OF

THE PAMPHLETEER.

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